



# HR HANDBOOK

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# WELCOME

Congratulations on your appointment and welcome to the team at Workout Indooroopilly! We are excited that you have decided to join us and look forward to a long, happy and successful partnership together.

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Our business is primarily about providing quality workouts teamed with a supportive, personal approach. You have been hired because we believe you can help us to deliver these high levels of customer satisfaction. We want to ensure that your interactions with other Workout Indooroopilly employees and our customers will reflect the value that Workout Indooroopilly places on quality, fitness for health and caring service.

The purpose of this Manual is to introduce you to Workout Indooroopilly and give you some information about our history, our clients and what we do.

You will also find information about your terms and conditions of employment, our expectations around your behaviour and our policies and procedures. This manual should be read in conjunction with your Contract of Employment.

This Manual is by no means an exhaustive guide to your employment with us. It has been developed to act as a resource and reference for you. The policies within this Manual are easily listed and easily accessed via the contents page. This Manual will be updated as required as our business evolves and grows. You will be notified of any changes as they occur. If you have any questions about the content please do not hesitate to contact Paul Sheedy or Kelly Bell on 3378 8950.

## OUR COMPANY HISTORY

*“I have always loved weight training. I knew what weight training and regular exercise could do for people... and I wanted to introduce it to as many people as possible.”*

- Michael Burke, Owner Founder (1940 - 2018)

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Opened in August 1981, Workout Indooroopilly was created with a specific vision in mind. A health club - unique and distinctive, not only in its exercise environments, but also in its focus on providing quality workouts teamed with a supportive, personal approach.

Through word of mouth, Workout Indooroopilly has gone from strength to strength. Four decades later, Workout Indooroopilly remains most trusted in the community for health and fitness.

# OUR MISSION, VISION AND VALUES

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## Mission Statement

To support and empower our members to feel healthier and happier, through quality exercise experiences in an enjoyable and non-intimidating environment.

## Vision Statement

Our aim is:

- To continue to provide quality programming centred on fitness for health in a positive environment;
- Be known for being professional, knowledgeable, and for our supportive and personal approach to our members.

## Seven Core Values

- Quality
- Fitness for Health
- Service
- Integrity
- Caring
- Collaboration
- Cheer

# YOUR EMPLOYMENT

Your employment with Workout Indooroopilly is essentially governed by your contract of employment and Workout Indooroopilly Policies, in conjunction with this Manual.

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The following section provides general information regarding your pay, conditions and our expectations of you.

## Payroll

Your pay cycle is fortnightly. Our pay cycle runs from Thursday to Wednesday over a two-week period and pays are processed on Thursdays, fortnightly. Depending on which bank you use, some people may be able to access their pay on Thursdays because this is the day the payroll is actually processed.

Pays will be automatically deposited electronically into the bank account details provided to Workout Indooroopilly. Taxation payments are automatically deducted from your salary. Superannuation payments are paid into your nominated fund.

## Changing Pay Details

Please advise the General Manager or Office Administrator via email should you wish to change any pay details like changing or closing your bank account. Please ensure you notify us prior to the date you wish for the change to be effective by. Your payroll contact is the Office Administrator and all requests for changes should be made via email.

## Hours of Work

Work hours will be discussed and agreed on with your Manager depending on the needs of the business.

Your Manager will work with you to establish your standard hours of work and break times. Workout Indooroopilly adopts a common-sense approach to managing work hours.

## Overtime and Additional Hours

Overtime is work which is performed at the direction of the Manager and which is more than your contracted hours of work. If you cannot for some reason work reasonable additional or overtime hours you must notify your Manager as soon as practicable with the reasons as to why.

## **Lateness for work**

Any absence or late arrival due to illness, injury or any other reason, and the expected duration of leave must be personally reported to your Manager as soon as practicable (and prior to your normal starting time wherever possible). If you are unable to do this personally, you are requested to ask someone to contact your manager on your behalf.

Subsequent to this, you must keep your Manager informed of your progress. Wherever possible you should make dental, medical, business or other appointments outside your normal working hours.

It is essential that you are ready to commence work at your normal commencement time.

## **Reimbursement of Expenses**

Workout Indooroopilly will reimburse employees for pre-approved expenses properly incurred by employees in the proper performance of their duties. Reimbursement will be subject to employees providing the business with receipts or other evidence of payment and of the purpose of each expense, in a form reasonably required by Workout Indooroopilly.

## **Travel**

Reasonable travelling expenses, where incurred in the performance of an employee's duties, will be reimbursed, provided that all claims are made on the appropriate form, signed by the appropriate Manager and supported with the necessary substantiating documentation. The payment of expenses is at all times subject to the prior authorisation of, and at the discretion of, the business. Employees should arrange travel and accommodation through Kelly and/or Richard Bell. Generally, air travel will be by economy class, with a carrier chosen by Workout Indooroopilly.

# CODE OF CONDUCT POLICY

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## Purpose

This policy affirms Workout Indooroopilly's belief in responsible social and ethical behaviour from all employees. This policy clarifies the standards of behaviour that Workout Indooroopilly expects of all employees.

## Principles

Our employees contribute to the success of our organisation and that of our Clients. Workout Indooroopilly fully endorses that all employees are not deprived of their basic human rights. Furthermore, our employees have an obligation to the Business, our Clients and themselves to observe high standards of integrity and fair dealing. Unlawful and unethical business practices undermine employee and Client trust.

## Policy

Our Code of Conduct policy applies to all employees and provides the framework of principles for conducting business, dealing with other employees, Clients and suppliers. The Code of Conduct does not replace legislation and if any part of it is in conflict, then legislation takes precedence.



## **This policy is based on the following:**

- Act and maintain a high standard of integrity and professionalism
- Be responsible and scrupulous in the proper use of Company information, funds, equipment and facilities
- Be considerate and respectful of the environment and others
- Exercise fairness, equality, courtesy, consideration and sensitivity in dealing with other employees, clients and suppliers
- Avoid apparent conflict of interests, promptly disclosing to a Workout Indooroopilly senior Manager, any interest which may constitute a conflict of interest
- Promote the interests of Workout Indooroopilly
- Perform duties with skill, honesty, care and diligence
- Abide by policies, procedures and lawful directions that relate to your employment with Workout Indooroopilly and/or our Clients
- Avoid the perception that any business transaction may be influenced by offering or accepting gifts
- Under no circumstances may employees offer or accept money
- Any employee, who in good faith, raises a complaint or discloses an alleged breach of the Code, whilst following correct reporting procedures, will not be disadvantaged or prejudiced. All reports will be dealt with in a timely and confidential manner.
- Workout Indooroopilly expects cooperation from

all employees in conducting themselves in a professional, ethical and socially acceptable manner of the highest standards.

- Any employee in breach of this policy may be subject to disciplinary action, including termination.

Should an employee have doubts about any aspect of the Code of Conduct, they must seek clarification from the General Manager.

This policy will be regularly reviewed by Workout Indooroopilly and any necessary changes will be implemented by the General Manager.

# DRESS CODE POLICY

Workout Indooroopilly's objective in establishing a safe and comfortable environment includes setting some standards for workplace dress code.

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This is to enable all people to project a professional image that is in keeping with the needs of our clients and customers to trust us. Because our industry requires the appearance of trusted professionals a standard dress code is necessary for everyone.

## Office Employees

Office employees are expected to dress business casual during work hours. All office employees will be given a uniform consisting of a Workout Indooroopilly branded polo shirt. Bottoms may include black shorts or pants and enclosed shoes.

## Group Fitness Instructors

All Group Fitness Instructors must wear appropriate and professional activewear.

# IT, INTERNET, EMAIL AND SOCIAL MEDIA POLICIES

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## Internet Use

The internet is provided by Workout Indooroopilly for business use. Limited private use is permitted if the private use does not interfere with a person's work and inappropriate sites are not accessed e.g. pornographic, gambling.

Management has the right to access the system to check if private use is excessive or inappropriate.

Failure to comply with these instructions is an offence and will be subject to appropriate investigation. In serious cases, the penalty for an offence, or repetition of an offence, may include dismissal. Staff need to be aware that some forms of internet conduct may lead to criminal prosecution.

## Email Use

1. Email facilities are provided for formal business correspondence.
2. Take care to maintain the confidentiality of sensitive information. If emails need to be preserved, they should be backed up and stored offsite.
3. Limited private use of email is allowed if it doesn't interfere with or distract from an employee's work. However, management has the right to access incoming and outgoing email messages to check if an employee's usage or involvement is excessive or inappropriate.
4. Non-essential email, including personal messages, should be deleted regularly from the 'Sent Items', 'Inbox' and 'Deleted Items'

folders to avoid congestion.

5. All emails sent must include the approved business disclaimer.

To protect Workout Indooroopilly from the potential effects of the misuse and abuse of email, the following instructions are for all users:

- No material is to be sent as email that is defamatory, in breach of copyright or business confidentiality, or prejudicial to the good standing of Workout Indooroopilly in the community or to its relationship with staff, customers, suppliers and any other person or business with whom it has a relationship.
- Email must not contain material that amounts to gossip about colleagues or that could be offensive, demeaning, persistently irritating, threatening, discriminatory; involves the harassment of others or concerns personal relationships.
- The email records of other persons are not to be accessed except by management (or persons authorised by management) ensuring compliance with this policy, or by authorised staff who have been requested to attend to a fault, upgrade or similar situation. Access in each case will be limited to the minimum needed for the task.
- When using email a person must not pretend to be another person or use another person's computer without permission.
- Excessive private use, including mass mailing, "reply to all" etc. that are not part of the person's duties, is not permitted.

- Failure to comply with these instructions is a performance improvement offence and will be investigated. In serious cases, the penalty for breach of policy, or repetition of an offence, may include dismissal.

This policy also applies to all employees, contractors and sub-contractors of Workout Indooroopilly who: have an active profile on a social or business networking site such as LinkedIn, Facebook, Instagram, Twitter and Snapchat; write or maintain a personal or business' blog; and/or post comments on public and/or private web-based forums or message boards or any other internet sites.

This policy does not form part of an employee's contract of employment. Nor does it form part of any contractor or sub-contractor's contract for service.

## **Professional Use of Social Media Workout**

Indooroopilly expects its employees to maintain a certain standard of behaviour when using Social Media for work or personal purposes.

- This policy applies to all employees, contractors and subcontractors of Workout Indooroopilly who contribute to or perform duties such as:
- Maintaining a profile page for Workout Indooroopilly on any social or business networking site (including, but not limited to, LinkedIn, Facebook, Instagram, Twitter and Snapchat);
- Making comments on such networking sites for and on behalf of Workout Indooroopilly;
- Writing or contributing to a blog and/or commenting on other people's or business' blog posts for and on behalf of Workout Indooroopilly; and/or

- Posting comments for and on behalf of Workout Indooroopilly on any public and/or private web-based forums or message boards or other internet sites.

## **Procedure**

No employee, contractor or sub-contractor of Workout Indooroopilly is to engage in Social Media as a representative or on behalf of Workout Indooroopilly unless they first obtain Workout Indooroopilly's written approval. If any employee, contractor or sub-contractor of Workout Indooroopilly is directed to contribute to or participate in any form of Social Media related work, they are to act in a professional manner at all times and in the best interests of Workout Indooroopilly. All employees, contractors and sub-contractors of Workout Indooroopilly must ensure they do not communicate any:

- Confidential Information relating to Workout Indooroopilly or its clients, business partners or suppliers;
- Material that violates the privacy or publicity rights of another party; and/or
- Information, (regardless of whether it is confidential or public knowledge), about clients, business partners or suppliers of Workout Indooroopilly without their prior authorisation or approval to do so; on any social or business networking sites, web-based forums or message boards, or other internet sites.

Confidential Information includes any information in any form relating to Workout Indooroopilly and related bodies, clients or businesses, which is not in the public domain. This includes, but is not limited to information relating to any client

information.

## **Private / Personal Use of Social Media Policy**

### **Procedure: When Does This Policy Apply?**

If you use social networking platforms (such as Facebook, Twitter and LinkedIn) during work hours, or to publish content regarding the Company, its employees or customers, you must comply with this policy, whether within or outside the workplace or ordinary hours of work. This policy equally applies to any personal blogs you may operate.

### **General Requirements**

The Company respects your right to use social networking sites as a medium for your personal communication and self-expression. However, the Company requires all employees and contractors to ensure that the interests of colleagues and the reputation and business of the Company are protected.

### **Information You Post Online**

Information you post online, including on social media platforms such as Facebook, is not like having a verbal conversation with a person or group of people. This equally applies to LinkedIn and any posts you make regarding your work. 'Conversations' or posts online are in electronic form and have potentially wider circulation than a personal discussion. The nature of social media platforms means that comments might easily be forwarded to others, widening the audience for their publication. Even if you limit the privacy settings on your social media platform to your 'friends' or contacts, these might include employees, clients or contractors of the Company.

Further, social media platforms leave an often permanent written record of statements and comments. These can be read at any time in the

future until they are taken down and, because of the nature of the internet, it can be difficult (if not impossible) to remove this information. You should therefore exercise considerable care in using social networking sites and be aware that making comments or conducting conversations that relate to our employees, clients or contractors can affect Workout Indooroopilly's reputation and business.

### **Information You Are Prohibited From Posting on a Website**

Unless prior written permission is provided by the Company, the Company does not allow you to post the following information on any social media platform:

#### **1. Confidential information**

You must not disclose the confidential information of the Company or its clients or customers on any website. The confidential information of the Company is information held or communicated in any manner, used or produced by the Company, whether or not marked as such, in the conduct of its business or relating to its financial affairs.

#### **2. Intellectual property**

You must make sure that you do not post any trademarks, proprietary information or other intellectual property of the Company or its clients or customers on a website.

#### **3. Information relating to clients or customers**

You must not refer to the work you or anyone else is undertaking in relation to clients or customers of Workout Indooroopilly.

Conducting business with clients or customers is also prohibited through the posting of information on social networking sites.

## **4. Content that disparages the Company, its employees or external parties**

The Company's goodwill and customer connections are dependent on its reputation.

You must not post any content that disparages or is likely to have a harmful effect on the reputation or business of the Company.

### **Inappropriate Information**

You must not use social networking sites at any time (whether during or outside work hours) to discriminate, harass, bully or victimise employees, clients or contractors of the Company. You must make sure that you have read and understand any other policies that may relate to these behaviours.

### **Consequences of This Policy**

A breach of this policy may result in disciplinary action, which may include termination of your employment. Workout Indooroopilly may request that you delete any information contained on any social media platform that is in breach of this policy. The Company may restrict your access to certain social networking sites during work time if you are found to be accessing social media unreasonably or excessively.

# INDUCTION

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## Policy

Workout Indooroopilly will make sure all new employees feel welcome and are ready to start work safely and competently through the use of a proper formal Induction process which this manual forms part of.

## Procedure

### Induction Meeting:

- Letter of offer, policies and procedures
- Relevant qualifications, preferred contact method
- Award and employment status
- Remuneration
- Leave entitlements and public holidays
- Probation period and performance reviews
- Emergency procedures
- First Aid and accident reporting
- Health, safety and hazard reporting
- Confidentiality
- Privacy
- Electronic communications
- Media and social media
- Loyalty to brand
- Bullying and sexual harassment policies and procedures
- Copy of Human Resources Manual

### Getting to Know Us:

- Operational structure, names, roles and responsibilities, contact methods

- Our history, our brand, our culture
- Mission, vision, seven core values, Please Smile standards
- Our members
- Club policies and legal
- Staffroom, facilities and amenities (club tour)

### Your Work:

- Your role and job description
- Roster, recording shifts, being late/absent/sick, breaks, requests for time off
- Payroll cycle, receiving payslip, information on payslip, superannuation, TFN, bank account
- Uniform and dress standards
- Hygiene and cleaning
- Parking

### Your Health, Safety and Wellbeing

- Care team and safety contacts
- Mentor introductions

### What Next?

- Schedule training plan and on the job learning
- Your ongoing learning, training & development

# PROBATION

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## Policy

The six (6) month probationary period is a time for both the employee and the business to assess suitability, fit and competency within a role.

During this period Workout Indooroopilly commits to reviewing employee performance and at the end of this time ongoing employment will be confirmed.

## Procedure

1. Track and monitor probationary periods.
2. Managers to give informal and formal appraisal during the probation period.
3. Give at least one formal appraisal four weeks before the end of probation.
4. At the end of the probation period, complete a final probation appraisal and
5. Advise the employee of the result via a formal written letter.



# ALCOHOL AND DRUGS POLICY

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## Policy

Workout Indooroopilly is committed to ensuring the health, safety and welfare of all employees and to prevent and reduce harm associated with people being impaired by drugs or alcohol at work.

## Objective

The objectives of this policy are to:

- Provide clear and documented guidelines regarding the employer's stance on drug and alcohol issues in the workplace;

## Scope

This policy applies to all employees and contractors.

Other relevant policies:

- Health and Safety Policy;
- Code of Conduct;
- Grievance Policy;
- Performance Management Policy;
- Disciplinary Policy.

## Responsibilities

### It is the employee's Manager's responsibility to:

- Ensure this policy is enforced on a day-to-day basis;
- Direct any employee reasonably suspected of being under the influence of drugs or alcohol away from the work area;
- Direct employees to a medical practitioner nominated by the employer where it is reasonably suspected that they are under the influence of drugs or alcohol;
- Arrange for on-site alcohol testing for employees

accused of being under the influence of drugs or alcohol;

- Arrange for transport home for any employee under the influence of drugs or alcohol;
- Counsel employees who are found to be in breach of this policy; and
- Authorise appropriate assistance for an employee whose performance is affected by drugs and/or alcohol.

### It is the employee's responsibility to:

- Comply with this policy; and
- Inform the Company and request assistance if they have an ongoing drug or alcohol problem or addiction that is likely to adversely affect their work performance.

## Drug and Alcohol Testing

If Workout Indooroopilly suspects an employee is under the influence of alcohol or drugs while at work, the Company may require the employee to undergo a saliva or urine test. The test will be conducted by a person who has undertaken an accredited training course.

If the test shows a positive result for drugs or a blood alcohol content of more than 0.00, the employee will be suspended from work with pay until external verification and confirmatory test results have been received.

If the external test shows a positive result, the Company will consult with the employee about the results and consider the employee's explanation before taking disciplinary action. If the employee refuses to undergo the test, they will be treated as if the test showed a positive result.

## **Guidelines Consumption of**

### **Alcohol/Drugs**

Employees should not be under the influence of alcohol or drugs during working hours and must at all times carry out their duties and responsibilities in a safe manner.

If anyone suspects that another employee is working while impaired by or under the influence of alcohol or drugs, they should immediately report this situation to their Manager.

Employees must observe statutory limits for blood alcohol content while driving:

- Any company vehicle; or
- Any vehicle on employer business to work, from work, during work or to and from any work-related function.

A modest consumption of alcohol is acceptable at approved functions. However, employees are responsible for the amount they choose to drink at such functions.

### **Employer Support**

We view alcoholism and drug use as treatable illnesses. In appropriate situations, where an employee's performance and wellbeing has been adversely affected by alcohol or drug use, the Company will assist the employee via referral to treatment programs.

### **Breach of this Policy**

Where an employee breaches or is reasonably suspected of having breached this policy, the employee will be given an opportunity to explain their actions.

Where no satisfactory explanation is given, the matter will be treated as misconduct. Breach of this policy may result in disciplinary action, up to and including dismissal.

Where an employee is referred to a treatment program, absence from work for treatment will be covered by the employee's sick leave entitlements.

When an employee has no outstanding paid sick leave, they are entitled to leave without pay or may be able to utilise other accrued leave entitlements.

The Company reserves the right to terminate employment if treatment is not undertaken or is unsuccessful.

### **Contacts**

If you have any questions regarding the policy and its application, please contact Paul Sheedy on 3378 8950.

# SMOKE FREE WORK ENVIRONMENT POLICY

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## Policy

Workout Indooroopilly is committed to providing and maintaining a safe system and a safe place of work for all employees, contractors and visitors.

All Workout Indooroopilly work locations are smoke-free environments.

We have a strong commitment to the prevention of risk arising from smoking, including:

- Injury to people from exposure to environmental tobacco smoke;
- Fire risk associated with smoking in some areas of our premises.

This policy applies to all permanent and temporary employees, visitors and contractors and all Workout Indooroopilly occupied buildings and vehicles.

## Effects of Passive Smoking

Smoking is known to contribute towards many illnesses such as cancer.

Passive smoking is also dangerous to non-smokers.

Therefore, it is the Company's responsibility to maintain a smoke-free environment.

## Responsibilities

Supervisors and Managers are responsible for implementing the policy in the area for which they have responsibility and for ensuring that all employees, visitors and contractors are aware of the policy and comply with its requirements.

## Management Personnel

**Management personnel are responsible for:**

- Communicating and consulting with permanent and temporary employees, visitors and contractors about the policy;
- Providing information and support, where appropriate, to employees wishing to cease smoking; and
- Enforcing the policy.

## Employees and Contractors

**Permanent and temporary employees and contractors are responsible for:**

- Adhering to and promoting compliance with the policy at all times;
- Safe disposal of cigarette butts into designated containers in designated smoking areas; and
- Encouraging and supporting adherence to a smoke-free workplace.

As part of our commitment to continuous improvement, this policy will be regularly reviewed with key stakeholders.

# WORKPLACE BULLYING POLICY

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## Overview

Workout Indooroopilly is committed to preventing workplace bullying. We consider bullying to be an unacceptable form of behaviour and it will not be tolerated under any circumstances.

This policy applies to all staff of Workout Indooroopilly. This policy does not form part of the terms and conditions of any contract between the Company and any person working for it. The Company's compliance with this policy does not affect any obligations owed by it under those contracts.

Under State health and safety legislation, the Company has a responsibility to do everything possible to eliminate or reduce risks to workers' health and safety. All staff have a right to a workplace that is free from bullying. Workers must also accept responsibility for their actions towards others in the workplace and must not take part in any bullying conduct.

The Company expects all staff to:

- Act with integrity and extend respect and courtesy to all persons whom they deal with;
- Comply with all applicable laws;
- Not engage in inappropriate behaviour, including unlawful behaviour that constitutes bullying, or condone such behaviour by others;
- Cooperate with any investigation in relation to inappropriate or unlawful behaviour in breach of this policy.

Legislation that is applicable to the types of behaviours outlined in this policy includes:

- Work Health and Safety Act 2011 (QLD)

- Fair Work Act 2009 (Cth)

## What is Bullying?

Workplace bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, which creates a risk to a worker's mental or physical health and safety.

Unreasonable behaviour is that which a reasonable person, having regard to all the circumstances (i.e. those that the alleged bully would reasonably be expected to know), would expect to victimise, humiliate, undermine or threaten its recipient.

Behaviour includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening another person. Workers include contractors and staff at senior levels of the Company.

The source of bullying could be staff within the Company, its clients or suppliers.

## Examples of Bullying

**The following types of behaviour, when repeated or occurring as part of a pattern of behaviour, can constitute bullying:**

- Verbal abuse;
- Excluding or isolating workers;
- Psychological harassment;
- Intimidation;
- Assigning meaningless tasks unrelated to a worker's position;
- Giving impossible assignments;

- Initiation practices;
- Sabotaging another worker's work;
- Deliberately withholding information that is vital for effective work; and
- Ridiculing a worker's opinions.

However, legitimate and appropriate actions to manage work performance or discipline a staff member for misconduct do not constitute workplace bullying.

Generally, this policy is concerned with behaviour that is persistent and part of an identifiable pattern. The specific form of the behaviour need not be the same – bullying can involve diverse incidents, e.g. verbal abuse, isolation and deliberate damage to personal property.

While a single incident of the behaviour described does not fall within the above definition, the Company does not condone and will not ignore such incidents. Any concern should be reported and will be considered seriously.

## Reporting Procedure

Workout Indooroopilly will deal with all reports of workplace bullying seriously, promptly and confidentially.

If you feel comfortable doing so, you should advise the other person, verbally or in writing, in a direct and firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour.

If the behaviour is serious or recurring, or if you are not comfortable raising the matter directly with the alleged perpetrator, you should make a report to the Human Resources Manager or the General Manager.

Workout Indooroopilly has established confidential procedures for handling reports of serious incidents under this policy. These procedures are based on the principle that the rights and privacy of both parties to the incident should be safeguarded. The Company considers that it is important that any report be dealt with promptly, professionally and with sensitivity.

It is suggested that you keep diary notes of all incidents with names, dates, witnesses and any response you make in relation to the incidents.

Workout Indooroopilly strongly encourages staff to report incidents of workplace bullying. However, reporting is voluntary and not mandatory. Nevertheless, if a worker decides not to report issues, the Company expects that this will be the end of the matter. In particular, the worker must not seek to progress the issue informally, e.g. allowing the matter to be the subject of conflict with the alleged bully, or of innuendo or gossip. Breach of this aspect of the policy may attract disciplinary sanctions.

Further, all workers must appreciate that raising an allegation of bullying against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. The Company will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

If you make a report, the Company will appoint an independent party to mediate the dispute, initiate an investigation, or do both.

The course adopted will depend on the severity of the incident and the wishes of the parties and the Company.

## Mediation

At mediation, parties will be given the opportunity to discuss the incident and attempt to reach a mutually agreeable resolution.

### **This could include:**

- An apology;
- An undertaking that the behaviour will not recur;
- Physical separation within the workplace of the parties involved; or
- Counselling and monitoring of the perpetrator.

One outcome of the mediation may be that the matter will be investigated.

# EQUAL OPPORTUNITY, DISCRIMINATION AND HARASSMENT POLICY

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## Overview

Workout Indooroopilly is committed to the prevention of any form of discrimination, sexual harassment or victimisation in the workplace. The Company considers these unacceptable forms of behaviour and it will not tolerate such behaviour under any circumstances.

Workout Indooroopilly can be held vicariously liable for breaches of this policy committed by an employee or contractor of the Company.

This policy applies to all employees in their relationships with each other, applicants for employment with the Company and persons who have dealings with the Company.

All employees have a right to be treated equitably and without harassment occurring in the workplace. All employees have the responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute harassment and by supporting and promoting the achievement of equal opportunity.

## Equal Employment Opportunity and Discrimination Policy

This policy reflects the spirit and intent of federal and State affirmative action and anti-discrimination legislation in Australia, including:

- Anti Discrimination Act 1991 (Qld)
- Sex Discrimination Act 1984 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Age Discrimination Act 2004 (Cth);

- Racial Discrimination Act 1975 (Cth); and
- Fair Work Act 2009 (Cth).

The Company believes that people perform more productively in an environment that is free from discrimination.

The Company is an equal opportunity employer. It is committed to ensuring that factors relating to a person's ability to perform their responsibilities, and to develop in their employment, are paramount in the Company's decisions about an employee's work.

Equal opportunity means ensuring that employment policies and practices are based on, and operate according to, the principle of merit. The Company is therefore committed to ensuring that its employment practices are free from any unlawful discrimination based on:

- Race or ethnicity;
- Gender;
- National origin;
- Marital status;
- Sexual preference or lawful sexual activity;
- Age;
- Disability or impairment, including infectious disease;
- Industrial activity;
- Physical features;
- Pregnancy;
- Family responsibilities;
- Religious beliefs;
- Political conviction;

- Breastfeeding; and
- Gender identity.

Workout Indooroopilly is also committed to ensuring that its employment practices are free from any unlawful discrimination based on a person's association (including as a relative) with someone who has one of the characteristics listed above. Discrimination can take many forms, some of which are direct or open. Others may be indirect or hidden:

**Direct discrimination** occurs when a person is treated less favourably than another, simply because of a personal characteristic or status unrelated to job performance, such as gender, race, sexuality, marital status (as listed above).

**Indirect discrimination** occurs when a policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as age, race, family circumstances or gender (as listed above).

## Workplace Harassment Policy

Workout Indooroopilly is committed to providing an environment that is free from sexual harassment and from harassment on the discriminatory grounds listed above.

While Workout Indooroopilly does not intend to intervene in the personal relationships of staff, it does have a proper concern where harassment:

- Creates an intimidating, hostile or offensive working environment;
- Adversely affects an individual's work performance;
- Adversely affects an individual's employment or promotion prospects;
- Results in resignation or unfair dismissal; and

- Reflects on the integrity and standing of the firm.

## Definitions

By law, unlawful harassment includes some things that might not be perceived to be harassment, such as the creation of a work environment that is generally hostile to a person or group of people with particular characteristics.

Sexual harassment, discriminatory harassment and victimisation due to making a complaint are unlawful and amount to discrimination under federal and State anti discrimination law:

**Sexual harassment** is unwelcome conduct of a sexual nature, including unwelcome sexual advances that are likely to make a person feel offended, humiliated or intimidated. It does not require an intention to harass and does not require the recipient to ask for the behaviour to stop. Sexual harassment is unwelcome or unreciprocated behaviour. It is not mutually accepted behaviour, e.g. harassment does not usually include genuine compliments or mutually acceptable physical contact.

**Discriminatory harassment** is a recognised form of discrimination that occurs when a person is harassed because of characteristics such as disability, gender, race and age (or any of the other grounds outlined above).

Victimisation occurs when a person is treated unfairly or less favourably because of making or intending to make a complaint of sexual harassment or discrimination.

Some examples of behaviour that can be sexual harassment or discriminatory harassment include:

- Acting towards, or speaking to a person in a manner that threatens or vilifies that person;



- Making jokes, suggestive comments or offensive gestures related to a person's race, colour, ethnic origin, disability, gender or sexual characteristics;
- Distribution or display of material (including through e-mail) that may be offensive, such as sexually explicit posters or pictures, racist or sexist jokes or cartoons;
- Persistent questions about a person's private life;
- Personal comments about appearance, size, clothing;
- Demands for sexual favours, either directly or by implication;
- Unwanted and deliberate physical contact; and
- Indecent assault, rape and other criminal offences.

## Grievance Procedure

Workout Indooroopilly is required to ensure that all employees are treated fairly and equitably and are not subject to discrimination, victimisation or harassment. Any concerns can be discussed privately and confidentially with one of the following Contact Officers:

- Assistant Manager - Paul Sheedy
- General Manager - Kelly Bell

All employees must appreciate that raising an allegation of harassment, discrimination or victimisation against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. The Company will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

Use of the Grievance Procedure to deal with issues of harassment, victimisation or discrimination is purely voluntary and not mandatory. However, if an employee decides not to raise the issue in the manner outlined in this policy or by seeking external help, Workout Indooroopilly expects that this will be the end of the matter. In particular, the employee must not seek to progress the issue informally, e.g. allowing the matter to be the subject of innuendo or gossip, harassing the other party, etc. Breach of this aspect of the policy may attract disciplinary sanctions.

## Complaint Handling Guidelines

Workout Indooroopilly has established confidential procedures for handling complaints under this policy. These procedures are based on the principle that the rights and privacy of both parties to a complaint should be safeguarded. Workout Indooroopilly considers that it is important that any complaint be dealt with as promptly as possible, professionally and with sensitivity. If you have a complaint or a harassment problem, you can speak confidentially to one of the Contact Officers, or contact the relevant agencies for advice:

- Anti-discrimination Commission of Queensland;

The relevant agencies and Workout Indooroopilly encourage the internal resolution of complaints if possible. Our internal complaint handling guidelines are as follows:

1. If you feel comfortable doing so, you should first advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour. You can speak with a Contact Officer who can assist with this step or suggest other options. It is suggested that you keep diary notes of

all incidents with names, dates, witnesses and any response you make in respect to the incidents.

2. Speak with a Contact Officer about the incident(s). The Contact Officer will discuss options for stopping the harassment. This may involve nominating one of the internal Conciliators who will first discuss and clarify the allegations with the relevant parties and then attempt to find a suitable and appropriate resolution. The conciliators are: Kelly Bell and Paul Sheedy.
3. If either party is unhappy with the progress of the complaint or the resolution, they can request the Company to appoint an independent investigator. If the complainant is dissatisfied with the progress or resolution they can lodge a complaint with the relevant agencies as listed above. Both parties will be afforded natural justice.

This means that:

- Complaints will be investigated promptly;
- The allegations will be put to the alleged perpetrator;
- Each party will be given the opportunity to express their version of events; and
- The alleged perpetrator will be treated as innocent unless the allegations are proven.

All file notes relating to the complaint will be kept secure. Only Contact Officers and Conciliators dealing with particular complaints will have access to these files.

Employees involved in a harassment or discrimination complaint may also be offered professional support services such as counselling or medical advice, as appropriate.

These guidelines may not be practical for every

case, and you or the Contact Officer may suggest more applicable resolution procedures.

## **Outcome of Grievance Process**

Any person who has been found to have harassed, discriminated against or victimised another person may be disciplined. The discipline will be appropriate to the severity of the offence, but may involve warning or dismissal. Similarly, any person been found to have made a complaint that is vexatious or based on facts that the complainant ought to reasonably believe to be untrue will also be subject to disciplinary sanction. Mitigating factors such as personal circumstances, disciplinary and work history and work performance will be taken into account in determining the appropriate disciplinary measures to be adopted.

## **Further Information**

Paul Sheedy

Kelly Bell

# SEXUAL HARASSMENT AND VICTIMISATION POLICY

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## Overview

Workout Indooroopilly will not tolerate sexual harassment or victimisation. Workout Indooroopilly is committed to taking all reasonable steps to prevent an employee from committing acts of sexual harassment or victimisation in connection with his or her employment or duties to the company. In this regard, Workout Indooroopilly's adoption and implementation of this policy is an important preventative step.

This policy explains what sexual harassment or victimisation is, what you can do to prevent it from occurring, and what you can do to address sexual harassment or victimisation that has occurred.

Acts of sexual harassment or victimisation occurring after work or away from the workplace may still have a relevant connection with an employee's employment or duties. This policy applies to any conduct occurring after office hours or away from the workplace, including at social activities, where there is a possible connection with Workout Indooroopilly.

Every employee will receive this policy and information about it when they join Workout Indooroopilly. They will have access to the policy during their association with Workout Indooroopilly and receive regular refresher training about its content. Workout Indooroopilly will periodically review the policy to ensure it is up to date. If necessary, we will vary the policy and make employees aware of the changes.

This policy is separate from employment contracts. Workout Indooroopilly's compliance with this policy does not affect contractual obligations owed by us to our employees.

However, every person associated with Workout Indooroopilly is entitled to expect that this policy will be observed. Employees who do not comply with it will face disciplinary action, which may include dismissal.

## What is Sexual Harassment?

Sexual harassment is unwelcome conduct of a sexual nature.

However, unwelcome conduct of a sexual nature will only be sexual harassment if it occurs in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated by the conduct. The actual motives or intentions of the person engaging in the conduct are irrelevant.

For example, a reasonable person might anticipate that a person who is in a settled relationship is highly likely to be offended by an unwelcome sexual advance made by a co-worker.

The relationship between the person harassed and the person who engaged in the unwelcome conduct of a sexual nature is also relevant to the question of whether the conduct is sexual harassment.

For example, a reasonable person might anticipate that unwelcome conduct of a sexual nature engaged in by a senior Manager of a Company in relation to an employee under his or her supervision is highly likely to humiliate or intimidate that employee.

Other relevant circumstances might include the age, marital status or religious belief of the person harassed.

### Conduct of a sexual nature in relation to another person includes:

- A sexual advance or a request for sexual favours to that person;
- Conveying a message with content of a sexual nature to that person, or in the presence of that person (whether by SMS, email, in person or otherwise);
- Staring, leering or unwelcome touching of that person, such as kissing, touching in a sexual manner, patting, pinching or unnecessary familiarity, such as deliberately brushing against the person;
- Issuing gender-based insults or obscene gestures to that person, wolf-whistling or taunting that person;
- Directing suggestive comments, innuendo or intrusive questions about that person's private life or body;
- Displaying obscene or pornographic material to, or near, that person;
- Directing sexual banter, offensive jokes or crude conversation to or near that person.

Conduct between parties that is the subject of mutual acceptance or consent is not unwelcome, and is therefore not sexual harassment.

## What is Victimization?

If a person subjects another person to detriment by making, or proposing to make, a complaint or report of sexual harassment or victimisation against them that is false or not in good faith, then they are victimising that person.

A person will subject another person to a

detriment if they engage in conduct which makes that other person feel uncomfortable, isolated, unwelcome, intimidated or insecure.

## When is Sexual Harassment or Victimization Unlawful?

**It is unlawful under anti-discrimination legislation for:**

- An employee of the Company to sexually harass an employee of this Company, or a person who is seeking to become an employee of this Company;
- Any person to sexually harass another person in the course of providing, or offering to provide, goods or services to that other person on behalf of this Company; or
- Any person to victimise another person, unless the other person made an allegation that was false and not made in good faith.
- Acts of sexual harassment may also constitute criminal offences, such as:
  - Physical molestation or assault;
  - Indecent exposure;
  - Sexual assault and rape;
  - Stalking; or
  - Obscene communications (telephone calls, faxes, letters, emails etc.).

Intoxication will never excuse sexual harassment or victimisation.

Unless the Company has taken all reasonable steps to prevent an employee from committing acts of sexual harassment or victimisation in connection with his or her employment or duties to the Company, the Company is vicariously liable for that conduct.

## Who Can I Speak to About Sexual Harassment or Victimization?

If you are the victim of sexual harassment or victimisation, you are encouraged to report this to your Manager.

If you are not a victim but have information to suggest that a person is experiencing sexual harassment or victimisation in connection with Workout Indooroopilly, you are also encouraged to report this to your Manager.

If you are uncomfortable raising the matter with your Manager, you can raise the matter with Assistant Manager - Paul Sheedy. Managers and contact officers in this Company will treat all complaints and reports of sexual harassment or victimisation seriously. If you are a victim, they are able to discuss with you options to resolve the matter effectively.

If you speak to a Manager or a contact officer about a sexual harassment or victimisation matter, you can indicate that your communications be treated as confidential. The Manager or contact officer will respect your confidence so long as it is consistent with Workout Indooroopilly's commitment (and legal obligation) to taking reasonable and practical steps to prevent sexual harassment or victimisation occurring.

You can also raise the matter with a State or Commonwealth agency that has the power to resolve sexual harassment or victimisation matters, such as the Australian Human Rights Commission or the Fair Work Ombudsman. If the matter is a criminal matter, you should also raise it with the police.

If you are the victim of sexual harassment or victimisation, you might wish to let the person

engaging in the conduct know that you consider their behaviour to be unacceptable and that if it continues you will report the conduct under this policy. This may be enough to stop the conduct

If you are not a victim but you have information to suggest that a person is experiencing sexual harassment or victimisation in connection with Workout Indooroopilly, you must not spread gossip or rumours about what you know. You must only report this information to a Manager or contact officer. Otherwise you will undermine Workout Indooroopilly's ability to deal with the conduct effectively.

If you make a report of sexual harassment or victimisation without a genuine belief in the truth of the matters you are reporting, you may be subject to disciplinary action.

## **How will Workout Indooroopilly handle a report of sexual harassment or victimisation?**

If you have made a report as a victim of sexual harassment or victimisation to a Manager or contact officer, you will have the option of making a formal complaint.

This means that you are formally asking Workout Indooroopilly to take some action in relation to the conduct.

If Workout Indooroopilly receives a report from a person who is not a victim, we may approach the person who was the victim of the alleged conduct and ask if they want to make a formal complaint.

A formal complaint is made by making a written statement outlining what the alleged victim believes occurred, stating names, dates and witnesses. The parties to the complaint-resolution

process will be the alleged victim, the alleged harasser and Workout Indooroopilly.

If you are a victim of sexual harassment or victimisation, you do not have to make a formal complaint.

However, Workout Indooroopilly may still act on the matters raised in any report if consistent with our commitment (and legal obligation) to taking reasonable and practical steps to prevent sexual harassment or victimisation occurring. Workout Indooroopilly will consult with the victim before taking any action.

### **Courses of action may include:**

**1. Investigation:** Workout Indooroopilly may arrange for a formal investigation of the matters raised in the report for the purposes of ascertaining whether any disciplinary action should be taken against the alleged harasser. In this case, we will appoint a suitably qualified, independent person to investigate whether it is more likely than not that the facts alleged in the report or complaint are true.

Prior to making any finding about alleged facts, the investigator will give the alleged harasser a fair and reasonable opportunity to respond to the matters alleged.

As far as reasonably practicable, Workout Indooroopilly will ensure any investigation is undertaken promptly and confidentially, and that the parties are kept up to date about its progress. All documentation relating to the report or complaint will be kept secure and access confined to those persons who need access.

Depending on the extent to which the complaint is substantiated, Workout Indooroopilly may warn or dismiss the alleged harasser, or implement some

other arrangement.

**2. Informal Counselling:** Workout Indooroopilly may informally counsel the alleged harasser and remind them of the requirement to comply with this policy. No formal findings would be made about the matters that are the subject of the report or complaint.

**3. Conciliation:** The parties may consent to the complaint being submitted to a process of conciliation. Under this process, a suitably qualified independent person will convene a meeting of the parties to explore options for resolving the matters that are the subject of the complaint by agreement. This may occur even when an investigation is in progress.

An example of an outcome of conciliation is an agreement between the parties that provides as follows:

- The investigation into the complaint will cease;
- Workout Indooroopilly will issue a confidential written warning to the alleged harasser that any future breach of the policy will place his or her employment in jeopardy;
- The alleged harasser will be required to submit to refresher training about the policy;
- The alleged harasser will apologise to the victim for his or her conduct; and
- All parties will agree to keep the agreement confidential and the victim will agree not to pursue the complaint any further (provided that the alleged harasser complies with this policy).

## Further Information

### Queensland Human Rights Commission:

- Website: [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au)
- Phone: 1300 130 670

### Fair Work Ombudsman:

- Website: [www.fairwork.gov.au](http://www.fairwork.gov.au)
- Phone: 13 13 94

# COUNSELLING AND DISCIPLINE POLICY

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## Policy Statement

The objective of the counselling and discipline procedure, wherever possible, is to correct an employee's unacceptable performance or behaviour in a positive manner.

To ensure procedural fairness, this policy sets guidelines for a fair and systematic approach that can be followed to correct an employee's unacceptable performance or behaviour.

Each situation is considered in light of an employee's performance and/or behaviour as a whole, on a case-by-case basis. Nothing in this policy limits Workout Indooroopilly to a narrow procedural application of this policy.

## Definitions

### Informal Discipline

This is an early intervention that is implemented to correct an employee's minor breach of Workout Indooroopilly's performance and/or behavioural standards. The discipline takes the form of an informal counselling interview.

### Formal Disciplinary Action

This is the intervention a Manager will revert to if previous informal actions have failed or, in the Manager's opinion, an employee seriously breaches Workout Indooroopilly's performance/behavioural standards.



## **Counselling Interview**

The counselling interview is the medium used to personally advise the employee of the conduct that is of concern and to seek to establish if there are any reasons for the behaviour. The interview is then used to clarify Workout Indooroopilly's expected performance/ behavioural standards.

## **Formal Disciplinary Interview**

This is the interview that is carried out to obtain information about an employee's breach of Workout Indooroopilly's behaviour and/or performance standards to determine whether the appropriate formal disciplinary action needs to be taken.

## **Written Warning**

A written warning is the documentation of an Employee's breach of Workout Indooroopilly's performance and/or behavioural standards, how the performance and/or behaviour may be corrected and the consequences of the breach.

## **Summary Dismissal**

This is where an Employee's breach of the Company's performance and/or behaviour standards is serious enough to warrant instant dismissal without notice or payment in lieu of notice.

# **Procedures**

## **Disciplinary Processes**

If an Employee's performance, behaviour and/or conduct falls short of the required standard, the Employee may be subject to a disciplinary process. Depending on the circumstances, a disciplinary process may involve an informal Counselling Interview or a formal Disciplinary Interview.

## **Informal Disciplinary Process**

Where an Employee's Manager deems an informal discipline process to be appropriate, a Counselling Interview is to be carried out by the Manager. A Counselling Interview involves the Manager (or delegate):

- Making the Employee aware of their underperformance, unacceptable behaviour and/or misconduct;
- Stating and discussing the required standard of Workout Indooroopilly;
- Agreeing on action to correct the employee's underperformance or unacceptable behaviour;
- Placing a record of the Counselling Interview and any agreed action on the Employee's Personnel File and verbally advising Management of the Counselling Interview.

## **Formal Disciplinary Interview**

Formal disciplinary action may be taken if there has been no improvement resulting from informal discipline or for more serious or persistent instances of unacceptable performance or behaviour and/or misconduct. A Formal Disciplinary Interview involves the Manager (or delegate):

- Discussing the need for formal disciplinary action with Management prior to meeting with the Employee;
- Informing the Employee that they are required to attend a Formal Disciplinary Interview and they may have a support person present;
- Asking the employee if he/ she requires a support person for the meeting;
- Organising a support person to be present to act as a witness during the Formal Disciplinary Interview.
- Clearly explaining the reason for the Formal Disciplinary Interview to the Employee;

- Giving the Employee an opportunity to respond to the issue, complaint or allegations made against them;
- Placing a record of the Formal Disciplinary Interview on the Employee's Personnel File. The record should also be signed (and dated) by those present at the Formal Disciplinary Interview.

### **Suspension**

In cases involving a formal disciplinary process, further investigation may be necessary. In these circumstances the Employee(s) concerned may be suspended from attending work, accessing IT or other company benefits or tools of trade, with pay, until such investigation is completed.

The decision to suspend a person does not predetermine the outcome of the investigation and/or the action taken against the Employee.

### **Formal Disciplinary Action**

Depending on the outcome of the Formal Disciplinary Interview and any further investigation, Workout Indooroopilly may decide that it is necessary to take formal disciplinary action against an employee. Formal disciplinary action may include any of the following:

1. No Action  
If no further action is necessary, a copy of the signed record of the interview including a notation that "No Further Action" is to be taken will be given to the Employee. The original will be placed on the Employee's Personnel File.
2. Verbal Warning Where a verbal warning is given, the Employee's Manager who gave the warning will take a record of the Interview and place it on the Employee's Personnel File. This is to be signed by the Employee, Manager and any support person present

during the Interview. The Employee will be informed that any further breaches of Workout Indooroopilly's required standards may result in further disciplinary action, up to and including termination of employment.

3. Written Warning A written warning will be given (preferably in person) to the Employee by the Employee's Manager which will clearly state the specific performance, behaviour or conduct that has led to the written warning being issued. The written warning will also explain that any further breach of Workout Indooroopilly's performance or behaviour standards may result in further disciplinary action, up to and including termination. A copy of the written warning will to be placed on the Employee's Personnel File. This is to be signed by the Employee and their Manager.
4. Final Written Warning  
A final written warning will clearly state the specific performance, behaviour or conduct that has led to a final written warning and will explain that any further breach of Workout Indooroopilly's required performance behaviour or conduct standards may result in termination.

A copy of the final written warning will to be placed on the Employee's Personnel File. This is to be signed by the Employee and their Manager.

Note: All warnings (both verbal and written) will be retained on the Employee's Personnel File. However, a warning of more than one (1) year old may not be relied upon by the Company in undertaking any further disciplinary action against the Employee. Should the Employee or the Employee's support person refuse to sign a warning, a

notation will be made on the record to that effect and will be initialled by the Manager.

## 5. Termination

Termination may be appropriate where an Employee's specific performance, behaviour or conduct does not improve or where the Employee has engaged in serious misconduct. Notice or payment in lieu of notice shall be provided to an Employee where the Employee conduct does not amount to serious misconduct. Should a decision be made to terminate an Employee's employment with Workout Indooroopilly, the Employee will be advised of the reason in writing.

## 6. Summary Dismissal

Where an Employee has engaged in serious misconduct, the Employee will not be provided with any notice or payment in lieu on termination of their employment with Workout Indooroopilly.

### **Examples of Conduct Justifying Informal/Formal Disciplinary Action**

A list of examples of conduct that may justify informal/formal disciplinary action has been provided below:

- a. Unsatisfactory work performance or behaviour;
- b. Issues surrounding poor time keeping or unauthorised absences;
- c. Dangerous games or pranks that may lead to personal injury or material/equipment/system damage (or could have had the potential to);
- d. Use of offensive language or threats of physical violence;
- e. Distributing, posting or altering written or printed unauthorised matter;
- f. Inability or unwillingness to work harmoniously with other staff;
- g. The misuse of Company property;
- h. Performing non-Company work during

Company time;

- i. Smoking or eating in a prohibited area; and
- j. Failing to comply with Company Policies

### **Examples of Serious Misconduct**

A list of examples of conduct that may amount to serious misconduct has been provided below:

Serious misconduct includes, but is not limited to the following:

- Commits any serious or persistent breach of any of the provisions of their contract of employment, industrial instrument or Workout Indooroopilly's policies and procedures, including breach of security or confidentiality obligations;
- Are found to be guilty of any serious misconduct or gross negligence in the discharge of the employee's duties which includes but is not limited to:
- Wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the employee's employment;
- Conduct that causes serious and imminent risk to the health and safety of a person, or the reputation, viability or profitability of Workout Indooroopilly;
- Knowingly providing false or misleading information, including falsifying documents;
- During the course of the employee's employment, engaging in:
  - Theft or misappropriation;
  - Dishonest conduct;
  - Fraud;
  - Assault;
  - Sexual harassment;
- Use of abusive, threatening or inappropriate language or actions to either colleagues or customers;
- Being intoxicated, or under the influence of

drugs or excessive alcohol (or consuming drugs, other than prescribed drugs) at work (refer to Drug and Alcohol policy for further details);

- Making unauthorised statements as an employee of the business, in the public domain such as on Facebook, Twitter or to the media, including divulging company confidential information;
- Failure or refusal to carry out a lawful and reasonable instruction that is consistent with the employee's employment; or
- Wilful or deliberate damage to Company property.

# FLEXIBLE WORKING ARRANGEMENTS POLICY

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## Entitlement

Workout Indooroopilly may, subject to this policy and applicable legislation, agree to allow an employee to change their conditions of employment to accommodate the employee's personal circumstances in particular situations.

An eligible employee (see below) may request that Workout Indooroopilly agree to flexible work arrangements because they are in one or more of the following circumstances:

- They are a parent;
- They are responsible for the care of a child who is of school age or younger;
- They have a disability;
- They are 55 years or older;
- They are experiencing family or domestic violence;
- They are a carer; or they are providing care or support to a member of their immediate family or household because they are experiencing violence from a family member. (The changes in working arrangements must relate to changes that would assist an employee to care for that person.)

Flexible work arrangements include arrangements in relation to:

- Patterns of work hours, e.g. working part-time;
- Number of work hours, e.g. flexible start and finish times;
- Staggered return to work after parental leave, e.g. returning part-time and building up to full-time;

- Unpaid leave arrangements;
- Scheduling of staff meetings;
- Limitations on work travel;
- Working from home;
- Job-sharing; and
- Purchasing leave.

Changing work arrangements may be for a fixed or indefinite period of time.

## Eligibility

To be an 'eligible employee' (i.e. to be able to make a request for flexible work arrangements), an employee must:

- Have been employed for at least 12 months – if the employee is a casual employee, the employee must be employed on a regular and systematic basis with an expectation of ongoing work;
- Make a request in writing to the Company (refer to the request for flexible work arrangements form) in which the employee:
  - Sets out the proposed change; and
  - Sets out the reasons for the proposed change.

Requests for flexible work arrangements should be made to the General Manager.

## Process

Once an eligible employee has made a request for flexible work arrangements, Workout Indooroopilly will:

- Arrange a meeting between the employee and their Manager to discuss the request – if the Company considers that it would benefit from receiving further details of the proposed change(s) and the reasons for the proposed change(s); and
- Provide the employee with a written response within 21 days stating whether the Company will grant or refuse the employee’s request.

Workout Indooroopilly will only refuse an eligible employee’s request on reasonable business grounds.

In making its decision, Workout Indooroopilly will take into account the following circumstances:

- The nature of the employee’s work circumstances;
- The nature and cost of implementing the proposed arrangements;
- The financial circumstances of Workout Indooroopilly at the time of the request;
- The nature and size of the Workout Indooroopilly’s business and its operational requirements;
- The effect of the proposed arrangements on Workout Indooroopilly (not limited to the financial impacts);
- The effect of the proposed arrangement on other employees;
- The limitations imposed under applicable industrial laws (e.g. provisions of modern awards that deal with hours of work, breaks, etc.), workplace health and safety laws and workers’ compensation laws; 40
- The proposed commencement date of the arrangement and how long it is proposed to operate; and
- Whether there is sufficient information provided by the employee for the employer to make a decision.

Employees should take independent advice on the effect that the granting of the request may have on their accrued entitlements and the resulting financial impacts on them.

## Related Policies

This policy applies in conjunction with the following policies:

- Equal Opportunity Policy;
- Workplace Health and Safety Policy;
- Grievance Policy;
- Parental Leave Policy; and
- Code of Conduct.

## Contacts

If you have any questions regarding the policy and its application, please contact Kelly Bell on 3378 8950.

If you have questions relating to your rights relating to your family responsibilities generally, consider contacting:

- Queensland Human Rights Commission ([www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au));
- Office of the Fair Work Ombudsman ([www.fairwork.gov.au](http://www.fairwork.gov.au)).

# Request for Flexible Work Arrangement

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

To: \_\_\_\_\_

(insert employer name)

I wish to request a flexible work arrangements as follow:

\_\_\_\_\_

Working hours:

\_\_\_\_\_

Part time:

\_\_\_\_\_

Location:

\_\_\_\_\_

Meal breaks:

\_\_\_\_\_

Job shares:

\_\_\_\_\_

The reason for making this request is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I ask that the arrangement take effect at the end of four weeks. I would like this arrangement to apply on an ongoing basis/unit:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Employee:

\_\_\_\_\_

# FAMILY OR DOMESTIC VIOLENCE SUPPORT POLICY

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## Overview

We are committed to providing support and assistance to employees who experience family or domestic violence. This reflects the paramount importance we attach to ensuring a workplace environment characterised by respectful relationships and gender equity.

## What is Family or Domestic Violence?

Family or domestic violence is violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the targeted person and which causes them harm or to be fearful. It includes physical violence, emotional, psychological, sexual and financial abuse. This policy is concerned with family violence directed to an employee of Workout Indooroopilly.

## How We Approach the Issue of Family or Domestic Violence

We are aware that family or domestic violence can affect our employees in different ways. We are committed to providing a safe and supportive working environment by:

- Training Managers and employees to recognise when a person in the workplace might be affected by family or domestic violence;
- Raising awareness amongst Managers and employees about family or domestic violence and the support offered by Workout Indooroopilly to those affected, together with the details of agencies that can provide assistance;
- Acting promptly and appropriately if there is any indication a person in the workplace is being subjected to family or domestic violence

while at work, whether that be at our offices or any other place of work, consistent with our workplace health and safety obligations;

- Guaranteeing that information given to one of our family or domestic violence contact officers will be kept confidential and any records of such information will be kept secure and will be de-identified or destroyed when no longer required;
- Offering assistance for employees who are experiencing personal, family or employment related problems;
- Considering requests for flexible working arrangements or special leave to assist an employee to respond to family or domestic violence affecting them. For example, to recover, settle, organise children, attend doctor's appointments, attend court appointments, seek legal assistance, obtain or relocate.

These arrangements include, without limitation:

- Adjusted work schedules;
- Leave during a working day;
- Temporary relocation; and
- Up to 5 days of special unpaid leave per annum, non-cumulative.

If you wish to take one or more days of leave because you are experiencing family or domestic violence, you need to submit the request to your Manager. We may request evidence that would reasonably satisfy us of the need for such arrangements, including a medical certificate, statutory declaration or police and/or court documentation, document issued by the family



or domestic violence support service or other relevant information. This material will be kept secure and confidential and all copies will be either destroyed or returned to the person when no longer required.

# LEAVE

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## General Leave Policy

Unless specified otherwise, employees referred to in this policy mean permanent full-time or part-time employees.

All employees are entitled to leave in accordance with the relevant awards or agreements and statutory provisions. Where the entitlements or practices in this document conflict, the applicable award, workplace agreement, employment contract or employment law takes precedence.

All planned leave has to be mutually agreed, and take into account workloads and the employee's needs. Leave must be approved in advance, except when the employee can't anticipate the absence. Any documents regarding leave will be kept on the employee's personnel file.

## Annual Leave Policy

All employees (except for casual employees) get paid annual leave. Each full time employee is entitled to a minimum of 4 weeks annual leave for each 12 month of service (pro-rata for part-time) or 5 weeks for shift workers. Leave entitlements are calculated from the date they started work and accrue in accordance with workplace relations legislation or industrial instruments. Annual leave counts towards continuous service (used when calculating long service leave). Applications for annual leave need to be lodged two (2) weeks in advance.

An employee is expected to take accrued annual leave for business close down periods. If insufficient leave is accrued, Workout Indooroopilly may direct an employee to take unpaid leave.

Workout Indooroopilly will decide on a case-by-case basis whether it will agree with an employee to 'cash out' annual leave as permitted by workplace relations legislation or any industrial instrument.

In some circumstances, leave in advance of what leave has accrued may be approved. This is conditional on the employee agreeing to the business deducting any advance in the event of termination, or to the employee accepting leave without pay.

## Personal (Sick) Leave Policy

Under the NES, full time and part time employee are entitled to ten (10) day's paid personal/carer's leave. Employees can access personal leave where they cannot work because of personal illness or injury. These days can be used when an immediate family member (as defined by the Fair Work Act) or member of the household is ill or injured.

Casual employees do not have have access to paid personal leave. Casual employees are entitled to two days unpaid carer's leave per year. Personal Leave is cumulative.

An employee should notify their Manager as soon as possible if they are unable to attend work due to illness or injury. Management, at its discretion, may request evidence such as a medical certificate showing that the employee was entitled to take personal leave during the relevant period.

## Carer's Leave Policy

Carer's leave is available to an employee for the care or support of an ill family or household member or if an unexpected emergency affects a family or household member. It is typically part of personal (sick) leave and is dealt with similarly to above. Employees including casual employees are entitled to take up to two days unpaid carer's leave for each occasion of family or household member illness or unexpected emergency. An employee cannot take unpaid carer's leave if they could instead take paid carer's leave.

## Compassionate Leave Policy

Compassionate leave is paid leave taken by an employee to spend time with a family member/member of the employee's household, who has a personal illness, or injury, that poses a serious threat to his/her life, or after the death of a family member/member of the employee's household.

Each permanent fulltime and part-time employee is entitled to a period of two days paid compassionate leave for each occasion where a family member has died, or the employee needs to spend time with a seriously ill family member. Additional unpaid leave may be granted at management discretion.

Casual employees are entitled to two days unpaid compassionate leave for each occasion.

## Long service leave policy

Employees are entitled to long service leave in line with relevant long service leave laws (or per a relevant Award or Agreement).

## Unpaid Leave Policy

At the absolute discretion of Workout Indooroopilly, unpaid leave may be granted,

having regard to such factors as:

- a. Whether all accrued unused annual leave has been taken;
- b. In the case of protracted illness, whether:
  - i. The accrued personal/carer's leave has been exhausted; and
  - ii. Accrued annual leave has been taken;
- c. The reason for the request;
- d. The length of service;
- e. Work performance;
- f. Attendance history; and
- g. Whether Workout Indooroopilly is able to accommodate the request, having regard to its operational requirements.

During periods of unpaid leave, you will not accrue entitlements to paid leave (e.g. personal/carer's leave, annual leave and long service leave). However, your absence on leave will not break your continuity of service.

Applications for unpaid leave must be made in writing on the Workout Indooroopilly's leave application form, which should be authorised by the department head. Once authorised, the original leave application must be sent to the payroll office for processing and then filed in the employee's personnel file, and the duplicate returned to the employee.

## Time in Lieu Policy

Workout Indooroopilly will grant time in lieu to an employee who is required to work outside their normal hours. Time worked towards time in lieu must be approved in advance. Time in lieu will be accrued and taken in accordance with the relevant industrial instrument.

Generally, employees should take and accrue time in lieu in accordance with the relevant industrial instrument.

## **Jury Duty Policy**

An employee is entitled to paid leave for jury duty in accordance with legislation. An employee on jury service should supply the official request to attend, the details of attendance and the amount the court has paid them. Workout Indooroopilly will reimburse fulltime and part-time employees the difference between this amount and their base salary. If an employee is absent because of jury service of more than ten days in total, the employer is only required to pay the employee for the first ten days of absence.

## **Emergency Services Leave Policy**

If an employee needs to take temporary absence from work because of voluntary emergency management activities (for example, as a volunteer dealing with an emergency or natural disaster as a member of SES, CFA or Army Reserve) then they should ask management for leave as soon as possible after they become aware of the need to take leave.

Workout Indooroopilly will support such activities wherever possible, as an important community service.

Workout Indooroopilly may require evidence of these activities at its discretion.

# PARENTAL LEAVE POLICY

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## Overview

This policy explains the entitlement of employees in Workout Indooroopilly to take leave from work in association with the birth or adoption of their child. Apart from the provision for paid parental leave, Part 2-2 Division 5 of the Fair Work Act 2009 (Cth) (FW Act) governs the entitlement.

The policy provisions are a guide for employees regarding standard parental leave entitlements. In individual cases, the Company may offer more generous entitlements if it believes that it is appropriate to do so.

## Entitlement to Parental Leave

Parental leave provisions apply to all full-time, part-time and eligible casual employees with at least 12 months of regular, systematic and continuous service, and with a reasonable expectation of ongoing employment on the same basis.

If eligible, an employee may take parental leave associated with the birth of their child (or their partner's child) or the placement of a child under adoption, if the employee has (or will have) a responsibility for the care of that child. In this policy, 'partner' means an employee's spouse or de facto partner, or an employee's former spouse or de facto partner. An employee's de facto partner means another person (whether of the same or different sex as the employee) with whom the employee lives in a relationship as a couple on a genuine domestic basis.

In the case of adoption-related leave, the child being adopted must be aged under 16 years on the day of placement, and must not have lived

continuously with the employee for six months or more prior to the date of placement.

## Entitlement to Unpaid Parental Leave

An employee is entitled to 52 weeks of unpaid parental leave to be taken in one continuous period. Parental leave includes adoption leave. Parental leave will be unpaid, except where provided in this policy or separate agreement between the employee and the company.

If an employee takes parental leave as part of an employee couple, the provisions of the FW Act will apply. These provide that parental leave is available for male and female employees.

However, with the exception of a limited entitlement to take concurrent leave (see over the page), you cannot take parental leave at the same time as your partner takes parental leave.

If an employee's partner does not work, they can take parental leave starting no later than 12 months after the child's birth or placement. If the employee's partner ceases to have responsibility for the care of the child, they may be required to substantiate this fact (e.g. by submitting statutory declarations made by the employee and their partner).

An employee may take parental leave at the same time as their partner (concurrent leave) for a maximum of eight (8) weeks (whether consecutive or cumulative) at any time within the first 12 months after the birth or placement of a child, as long as the concurrent leave is taken in blocks of at least two (2) weeks.

An employee will not accrue paid leave entitlements while they are taking unpaid parental leave. An employee is not entitled to payment for personal leave or public holidays during parental leave.

If an employee is pregnant, they may take parental leave starting six weeks before the expected date of birth. If an employee is pregnant and there is a risk caused to them by their work, or if they are incapable of work due to a pregnancy-related illness, the Company may direct the employee to start unpaid parental leave up to six weeks before the expected date of birth. The leave taken before the birth will not reduce the employee's entitlement to take 12 months parental leave after the birth.

In all other cases, an employee's parental leave will start on the day of birth or placement (unless the employee is taking the leave after their partner has taken a period of parental leave, in which case it will start immediately after the employee's partner's parental leave ends).

Unpaid parental leave must be taken in a single continuous period. If an employee is a member of a couple, they will be entitled to take up to eight weeks of parental leave at the same time as their partner after the birth or placement of their child, but the employee is not otherwise entitled to take unpaid parental leave at the same time as their partner.

This leave will be deducted from the employee's entitlement to 12 months of unpaid parental leave.

## **Taking Parental Leave**

To take parental leave, an employee must complete a leave request form and give it to the Human Resources Manager at least ten weeks

before starting. Workout Indooroopilly may require evidence, including a medical certificate or a statutory declaration, stating the expected date of birth or the day of placement for adoption.

At least four (4) weeks before the intended date of commencement of parental leave, the employee must confirm with Workout Indooroopilly the start and end dates of the parental leave.

## **Working During Parental Leave**

Workout Indooroopilly may arrange with the employee up to ten (10) days paid work during their parental leave to enable the employee to keep in touch with work and to assist in their return to work after the parental leave period. If the employee is interested in taking up this arrangement, please contact us. While we recognise the value of keeping in touch days, it may not be able to meet the employee's request in all cases. Any work on a keeping-in-touch day will not affect the employee's entitlement to parental leave. The employee cannot request to work a keeping-in-touch day within the first two weeks of birth or placement.

The employee must not take up any other paid employment during parental leave unless Workout Indooroopilly approves of the employee doing so.

## **Varying the Parental Leave Period**

If an employee's approved period of parental leave is less than 12 months (excluding any period of concurrent leave), then the employee may extend their leave for a further period up to the full amount of their entitlement. The employee needs to give Workout Indooroopilly written notice specifying the new end date for the leave at least four weeks before the original end date. The employee can only exercise this right once.

Even if the employee takes their full 12-month entitlement to parental leave, they may request the parental leave period to be extended by a further period of up to 12 months. Again, the employee needs to give Workout Indooroopilly written notice specifying the new end date for the leave at least four weeks before the current end date. Workout Indooroopilly may refuse the request on reasonable business grounds (e.g. inability to arrange for their role to be covered during the extended period).

## End of Parental Leave Period

An employee is entitled to return to the position they held before commencing their leave. If that position no longer exists, the employee is entitled to return to an available position at an equivalent level or of similar nature and pay to their former position.

## Returning to Work Under a Flexible Work Arrangement

An employee may request to return to work under a flexible work arrangement (e.g. part-time or job sharing). This request should be made in writing and should be submitted to the Human Resources Manager no less than six (6) weeks before the end date. The request should set out details of the change sought and the reasons for it.

If a flexible work arrangement is agreed between Workout Indooroopilly and the employee, it does not result in a permanent variation to the employee's employment contract. The arrangement will be subject to review and may be terminated by either party by giving two weeks notice, in which case the employee will be required to resume their pre-leave role.

Workout Indooroopilly may reject a request

for a flexible work arrangement on reasonable business grounds. For example, Workout Indooroopilly may reject a proposed arrangement because:

- It would not allow the employee to perform their job to a sufficient degree; It would have an adverse impact on the employee's work colleagues and/or clients to a degree which is unreasonable;
- It would be too costly for the Company or would be likely to result in a significant loss in efficiency or productivity; and/or
- It would not be feasible or practical.

## Payment During Parental Leave

Under the Commonwealth Government's Paid Parental Leave (PPL) Scheme, working parents of children born or adopted are eligible to receive 18 weeks of government-funded parental pay at the rate of the national minimum wage.

In addition, new fathers and partners may receive up to two (2) weeks of Dad and Partner Pay (DAPP) at the national minimum wage. Visit the Family Assistance Office's website at [www.familyassist.gov.au](http://www.familyassist.gov.au) for more information.

## Unpaid Parental Leave

Employees (including a de facto or same sex partner, or single person) who are expecting a child or adopting a child are eligible for 52 weeks of unpaid parental leave if they are:

- Permanent full-time or part-time with at least 12 months service prior to the expected date of birth or adoption placement;
- Casual with 12 months regular and systemic service who have a reasonable expectation of continuing regular and systematic work.

After birth or adoption, the parent with

responsibility for the care of the child is entitled to unpaid parental leave. Employees who are pregnant may commence leave up to six weeks before the expected date.

Employees may request to extend their leave by a further 12 months (for a total of 24 months maximum), to be submitted in writing at least four weeks before the end of the original 12 months unpaid parental leave.

Workout Indooroopilly will respond in writing within 21 days and may refuse only on reasonable business grounds. The written response will include details if the request is refused.

## Parental Leave types:

### Available Parental Leave types at Workout Indooroopilly include:

- Parental Leave
- Concurrent Leave
- Special Maternity Leave

### Parental Leave

If you are the primary caregiver of your child, you can access up to 52 weeks of Parental Leave. Parental leave is unpaid except in the instances where an employee is eligible for Parental Leave Pay in line with legislation. Parental Leave with Pay is described in full in the following section.

### Concurrent Leave

Both employees of an employee couple may take leave at the same time for a maximum period of eight weeks. This leave must be taken within 12 months of the birth or adoption of a child. The concurrent leave may be taken in separate periods. Each period must be no shorter than two weeks unless the employer agrees.

### Special Maternity Leave

Unpaid Special Maternity Leave is available to pregnant female employees in the case of pregnancy-related illness or if the pregnancy ends within 28 weeks of the expected date of birth. The duration of this leave should be agreed with your direct Manager as soon as is practically possible, and any unpaid Special Maternity leave will reduce the amount of Maternity Leave you are entitled to take by the same amount.

## Parental Leave Pay

Available Parental Leave Pay types at Workout Indooroopilly include:

- Primary Caregiver Pay
- Dad and Partner Pay

Please note that Workout Indooroopilly will only make payments in line with the two types of Parental Leave Pay detailed below. Where relevant, Parental Leave Pay will be paid in line with the standard Workout Indooroopilly pay cycles.

### Primary Caregiver Pay

In line with legislation, eligible employees who are the primary caregiver may be entitled to 18 weeks paid leave, paid at the minimum wage. Please note that a child's primary caregiver is the person who is most meeting the child's physical needs. This will usually be the birth mother of a newborn child or the initial primary caregiver of an adopted child, even if your child is in hospital.

This leave is not in addition to the 52 weeks parental leave mentioned above. Any periods of unpaid and paid Parental leave must not exceed 52 weeks in total. Employees may take subsequent periods of paid Parental Leave, however, in order to be eligible for this you must return to work and complete a minimum of 12



months continuous service following your return from any previous paid Parental Leave.

### **Dad and Partner Pay**

If your partner is the primary caregiver of your child, you may be entitled to two weeks of Government funded paid Dad and Partner Pay whilst on Concurrent Leave.

## **Parental Leave for Partners**

Generally, only the parent with responsibility for the care and welfare of the child is entitled to take unpaid parental leave. However, up to three weeks unpaid parental leave may be taken at the same time by both members of an employee couple, with the period of concurrent leave starting on the day of the birth (unless the Manager agrees to other arrangements).

## **Applying for Leave**

An employee wishing to take unpaid parental leave must provide written notice at least ten weeks before starting the leave (or as soon as is practicable) including the intended leave start and end dates.

Leave dates or any changes of dates must be confirmed at least four weeks before the leave starts. The Manager will confirm the leave and any affected entitlements such as continuous service in writing.

## **Adoption**

Because Workout Indooroopilly recognises that the timing of placement for an adopted child may be uncertain, employees should keep their Manager informed of any changes to the likely placement date and commencement of leave.

## **Other Paid Leave**

### **Annual Leave**

If the employee has paid annual leave available, he or she may, in agreement with the Manager, take some or all of that leave at the same time as the unpaid parental leave.

### **Time Off for Antenatal Appointments, Adoption Interviews or Examinations**

Personal leave may be available for attendance at medical appointments. Appointment times and the availability of leave should be discussed with the Manager. An employee may take up to two days unpaid pre- adoption leave. Employees must provide notice of the leave including expected leave period as soon as practicable (which may be after the leave has started).

If an employee requires more than two days pre-adoption leave, they should discuss their requirements with their Manager.

### **Leave for Pregnancy Related Illness**

If an employee is ill during her pregnancy, she may access her ordinary sick leave entitlements, including any accrued leave. If an employee experiences extended illness due to pregnancy, she can access unpaid 'special maternity leave' for the period her treating doctor certifies is necessary. Special maternity leave is included in the 52 weeks available unpaid parental leave period.

The employee must make a special maternity leave application as soon as practicable which details the period of leave required. The Manager may request a medical certificate and if so, this must be provided by the employee.

### **Loss of a child while pregnant**

If the pregnancy ends within 28 weeks before the due date without a live birth, the employee may

take unpaid 'special maternity leave' for the period her treating doctor certifies is necessary. Unpaid parental leave is not available in this situation, instead special maternity leave applies.

The employee must make a special maternity leave application as soon as practicable, specifying the expected leave period and providing a medical certificate, if this is requested by the Manager. Workout Indooroopilly will be sensitive to the personal issues associated with this type of leave.

### **During Parental Leave**

Even though the employee is on leave, they will continue to be protected against discrimination as an employee.

Workout Indooroopilly respects that some employees do not want any contact while on leave, and others do. The Manager should discuss with the employee what sort of communication the employee would like while on leave, and record this agreement. While an employee is on unpaid parental leave, Workout Indooroopilly will ensure that the employee is considered and kept informed of significant changes that may occur in the business.

Where a decision will have a significant effect on the status, pay or location of the pre-parental leave position, Workout Indooroopilly will take all reasonable steps to inform the employee and discuss the effect of the decision. During any restructures, employees on parental leave will be treated no less favourably than other employees and will be kept informed of the process.

If an employee has applied for less than 52 weeks unpaid parental leave, they can extend the period of leave once to take the total leave up to a maximum of 52 weeks. The employee must give

at least four weeks notice prior to the end date of the original leave period. A period of unpaid parental leave may be reduced by agreement between Workout Indooroopilly and the employee.

An employee can resign while on parental leave, but they must give the required notice of resignation as set out in the employee contract.

Employees should not undertake any activity during leave which is inconsistent with the employment contract, including other employment and they should remain responsible for the care of the child.

The employee's position may be filled on a temporary basis while they are on leave. Workout Indooroopilly will notify the replacement employee that their employment in this role is temporary and that the pregnant employee has the right to return to the position.

# PERFORMANCE MANAGEMENT

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## Policy

The purpose of performance management is to improve performance. Performance management is an ongoing process and is generally managed informally. We encourage a two-way process, that is, employees can also give management feedback on performance.

**If a formal performance review is required, the following procedure will apply:**

1. The Manager and the employee agree on the date for a performance appraisal meeting to allow time to prepare.
2. The Manager and employee will meet and openly and constructively discuss performance over the period.
3. The Manager and the employee will agree on any objectives and outcomes for the next appraisal period.
4. Training and development will be considered as part of the process.
5. Notes should be taken of the meeting and copies kept.
6. Outside of this formal process, employees are encouraged to raise any issues they have when they arise.

# PERFORMANCE IMPROVEMENT POLICY

Where warranted Workout Indooroopilly will use improvement processes to improve performance.

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Should such improvement processes be unsuccessful in improving an employee's performance, Workout Indooroopilly may decide to end an employee's employment. Depending on the circumstances, performance improvement action may include verbal or written warnings, counselling or retraining.

Workout Indooroopilly requires a minimum standard of conduct and performance which will be made clear to employees in management appraisals. If an employee does not meet this standard, Workout Indooroopilly will take appropriate corrective action, such as training. Formal performance improvement procedures will generally only start when other corrective action fails.

If an employee deliberately breaches business policy or procedure, or engages in misconduct, Workout Indooroopilly may start improvement procedures, or, in cases of serious misconduct or breach of policy, may dismiss an employee.

Each employee must understand their responsibilities, be counselled and given the opportunity to reach the standards expected of them. Workout Indooroopilly will give an employee the opportunity to defend themselves before management takes further action.

*Note: If employees have a disability that requires reasonable adjustments to be made to the workplace or job to allow you to work safely and productively, they should raise this with their Manager. Workout Indooroopilly will only refuse such requests on reasonable business grounds.*

## Procedure

1. Workout Indooroopilly will advise the employee of any shortfall in their performance, and give them an opportunity to respond.
2. Once they respond, the Manager will consider their response and decide if performance improvement action should be taken. Workout Indooroopilly will provide support such as training where appropriate.
3. If the employee is given a verbal warning, the Manager should make a note of it, date it and sign it.
4. The Manager will advise the employee in clear terms what they see as the performance problem or the unacceptable conduct. To highlight the deficiency, they should use specific examples and refer to the correct policy or procedure.
5. The Manager will allow the employee to respond before making a decision and consider the employee's responses. The employee may have a support person present at such meetings.
6. The Manager will decide if more action is needed.
7. If a written warning is to follow, the Manager is to:
  - Document it and give the employee a copy;
  - Give the employee the opportunity (and their support person the opportunity) to sign the warning;
  - Keep a copy on file.
8. The warning must clearly define:
  - The deficiency;
  - A clear explanation of the expected standard;
  - By when the employee needs to achieve it;
- How the business will help the employee achieve the improvement required; and
- Consequences of failing to improve.
9. The Manager concerned will keep a record of all meetings, training and/or coaching given and a summary of discussions, and put a copy on the employee's personnel file. This should include date, location and time of discussion
10. They will continue to support the employee and note the support they give, for example training or counselling.
11. If the employee's performance or conduct doesn't improve, the Manager will give the employee a final written warning and follow steps 4–10 above. This document needs to warn the employee in clear terms Workout Indooroopilly will terminate their employment if there is not enough improvement, and a sustained improvement in, their performance.

*Note: some circumstances justify going straight to a second or final warning.*

## Gross or Serious Misconduct Policy

Summary (instant) dismissal for gross or very serious misconduct is possible (depending on the facts involved).

Management should seek advice before taking this step.

## Procedure

1. The Manager is to investigate the alleged offence thoroughly, including talking to witnesses, if any.

2. The Manager should ask the employee for their response to the allegation (taking notes of this discussion) and allow them to have representation. The Manager should also have a witness present. The Manager shall give genuine consideration to the employee's response and circumstances.
3. If still appropriate, following a thorough investigation, the Manager can terminate/ dismiss the employee.
4. The Manager should keep a file of all evidence collected and action taken in these circumstances.
5. Workout Indooroopilly will send the employee a letter of termination noting brief details.

# GRIEVANCE POLICY

If a person working for Workout Indooroopilly genuinely and reasonably believes they have been subject to some disadvantage, or unfair or inappropriate treatment at work due to some form of inappropriate conduct by one or more other person in the workplace, they can raise a grievance and expect that it will be addressed in a fair and reasonable manner.

This policy explains how to raise a grievance and how the Company will respond.

The policy does not form part of the terms and conditions of any contract between the Company and any person working for it. Our compliance with this policy does not affect any obligations owed by us under those contracts.

Nothing in this policy prevents us from acting in relation to any misconduct or alleged misconduct committed by a person working for the Company.

If the grievance relates to workplace bullying, unlawful discrimination or sexual harassment, it may be more appropriate to make a complaint under those policies.

## General Principles

This business is committed to dealing with any grievance as promptly and confidentially as possible, professionally and with sensitivity.

A person who raises a grievance will not be subject to any disadvantage in their relationship with this business by reason of doing so.

When responding to a grievance, the Company will ensure the aggrieved person is not subject to discrimination, victimisation or harassment for raising the grievance.

## Grievance Procedure

### 1. Raise the Grievance Informally

An aggrieved person must first raise the grievance with their Manager. If the grievance concerns that person, the grievance may be raised with the employee's next most senior Manager or Assistant Manager.

The grievance should be discussed on an informal basis. The Manager may involve other persons in that discussion if they believe that involvement will assist in the resolution of the grievance (taking into account the views of the aggrieved person as to whether that involvement might assist).

### 2. Formalise the Grievance

Where the grievance cannot be resolved through informal discussion, the aggrieved person may formally ask the Company to take action to resolve the grievance.

Formalising a grievance requires the aggrieved person to detail the grievance in writing, stating relevant facts and outlining what the aggrieved person seeks in order to resolve the grievance.

### 3. Resolve the Formal Grievance

A suitable person should be appointed to resolve the formal grievance. This must be a person who can act fairly and impartially. Ordinarily, this would not be a person responsible

for the day-to-day management of the aggrieved person. It may include a suitably qualified external consultant.

The person appointed to resolve the formal grievance will generally afford the aggrieved person a fair and reasonable opportunity to provide information relevant to resolving the grievance.

**This Might Involve:**

- Convening a conciliation or mediation involving the aggrieved person and other relevant parties;
- Undertaking an investigation to determine whether the facts alleged as part of the grievance are substantiated; and
- Issuing a recommendation to the Company to implement certain measures to address the grievance.

**Frivolous or Vexatious Grievances**

If a person makes a grievance without a genuine belief in the truth of the matters they are reporting, they may be subject to disciplinary action.

**Related Policies**

- Code of Conduct
- Workplace Bullying Policy
- Equal Opportunity, Discrimination and Harassment Policy
- Sexual Harassment and Victimisation Policy

If you have any questions regarding this Policy, please contact Paul Sheedy on 3378 8950



# WORKPLACE HEALTH AND SAFETY POLICY

We have a legal and moral responsibility to provide healthy and safe workplaces. Our Managers will lead the establishment of a workplace culture committed to health and safety.

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We are committed to eliminating the possibility or risk of harm arising for our employees:

- In any workplace under our management and control;
- From the conduct of our business;
- In the environment in which our employees work;
- From the plant or systems of work used by our employees;
- From the arrangements we have for use, handling, storage and transport of plant or substances; and
- From the facilities we provide for the welfare of our employees.

If there is something reasonably practicable that we can do to reduce or eliminate health and safety risk, we will do it. We will provide adequate information, instruction, training and supervision to our employees to enable them to perform their work safely.

## Scope

This policy applies to all our employees and all other persons while they are in a workplace under our management and control and/or using or handling our plant or substances and/or performing work in the conduct of our business (including at a site away from their usual workplace).

## Health and safety plan

**We use a health and safety management system that:**

- Identifies workplace hazards;
- Assesses risks to health from those hazards; and
- Implements appropriate measures to control those risks.

This system will provide written procedures and instructions to ensure safe systems of work. It will ensure compliance with legislative requirements and current industry standards. Health and safety is an integral function of our operating systems.

### **The following persons in our organisation have responsibilities for implementing this system:**

- Managers take all reasonable steps to ensure compliance with health and safety statutory requirements and our policy, and demonstrate commitment towards reducing the number and severity of work-related injuries.
- Manager(s) – take all reasonable steps to ensure compliance with health and safety requirements and this policy, and so far as is reasonably practicable, ensure the provision of a safe working environment and safe systems of work within the place under their management.
- Supervisor(s) – take all reasonable steps to ensure compliance with health and safety requirements and this policy and as soon as practicable, rectify any identified hazards, investigate hazards reported and conduct regular, formal health and safety workplace audits.
- Employees – see separate section below.

We will ensure these people have sufficient training and supervision to be involved in managing health and safety.

### **Procedure to resolve health and safety issues**

If an employee wishes to raise for resolution a health or safety issue that has arisen in a workplace under our management and control or arising from the conduct of our business, the procedure set out below will apply.

The senior Manager in that part of the workplace where the issue has arisen will represent us in resolving the issue (unless we inform the employees, the relevant health and safety representative and the health and safety committee that someone else will represent us). The health and safety representative, or if there is

no health and safety representative, an employee nominated by employees, will act on behalf of employees affected by an issue.

As soon as is reasonably possible after reporting the issue, our representative will meet with the representative of the employees affected by the issue.

For the purpose of resolving the health and safety issue as quickly and effectively as possible, these representatives will consider:

- The number and location of employees affected by the issue;
- Whether appropriate temporary measures are possible or desirable;
- How long it will take to permanently resolve the issue; and
- Who on our behalf is responsible for performing and overseeing any action agreed necessary to resolve the issue.

After an issue is resolved, we will endeavour to circulate among all parties a written record detailing the issue and matters relating to its resolution. We will ensure that any agreement reached in the course of resolving the issue is brought to the attention of the employees affected by the issue and given to the health and safety committee.

## Procedure to Consult with Employees About Health and Safety Issues

As far as is reasonably practicable, we will consult with employees who are, or are likely to be, directly affected when we:

- Identify or assess health and safety hazards or risks at a workplace under our management and control or arising from the conduct of our business;
- Determine measures to be taken to control health and safety risks at a workplace under our management and control, or arising from the conduct of our business;
- Determine the adequacy of facilities for the welfare of our employees;
- Change any of the procedures set out in this policy;
- Determine the membership of the health and safety committee; or
- Propose changes that may affect the health or safety of our employees to a workplace under our management and control and/or the plant, substances or other things used at such a workplace and/or the conduct of the work performed at such a workplace.

We will consult by sharing information about these matters and giving employees a reasonable opportunity to express views on them. We will take into account those views. Consultation must involve the health and safety representative and be in accordance with procedures agreed upon with employees for undertaking consultations.

## Procedure to Inform and Train Employees

We use the following procedure to inform and train our employees:

- Company induction
- Safe operating procedures

## Other Related Policies

- Code of conduct
- Personal protective equipment policy
- Return to work policy
- Mental health policy
- Alcohol and drugs policy
- Smoke free work environment policy
- Workplace bullying policy

## Responsibility of Employees

Employees are responsible for ensuring their own work environment is conducive to good occupational health and safety by:

- Complying with occupational health and safety policies, procedures and instructions;
- Taking care for their own health and safety and the health and safety of others who may be affected by their actions;
- Taking action to avoid, eliminate or minimise hazards;
- Reporting all known or observed hazards to the appropriate person;
- Reporting immediately any work-related injury or near-miss incident to the appropriate person;
- Actively participating in the management of health and safety risks;
- Not willfully placing at risk the health, safety or wellbeing of others at the workplace; and
- Being familiar with emergency and evacuation procedures and cooperating with directions from emergency or evacuation wardens.

# MENTAL HEALTH POLICY

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## Our Commitment

We are committed to ensuring that the people who work for this organisation have every opportunity to live their lives free of mental illness.

We will focus on minimising the risks to mental health posed by work and maximising the prospects of full recovery for workers who experience poor mental health as a result of their work.

However, recognising that many workers will attend work with mental health issues that are not work-related, we are committed to affording mentally unwell workers support and accommodation in the workplace in their journey back to good health.

## Scope

This policy is designed to benefit all individuals who provide their personal services to this organisation whether as direct employees or contractors, or as employees or contractors of an entity engaged by us. It does not, however, constitute a term of any agreement regulating the provision of those service. Nor does it create any legal rights enforceable by any person.

## What We Will Do

We will provide, as far as is reasonably practicable, a workplace that is safe and without risks to mental health.

### To This End We Will:

- Not tolerate workplace bullying, and respond to complaints and reports of behaviours that are inconsistent with our Workplace Bullying Policy;

- Educate and train Managers and employees to deal with other workers fairly and reasonably in relation to work issues;

### To This End We Will:

- Promote awareness of the causes of mental illness and appropriate responses to it;
- Not tolerate unlawful discrimination, victimisation or ostracism of workers because of (or for reasons which include) the fact or assumption that they have poor mental health;
- Ensure access to a well-resourced Employee Assistance Program that allows employees to seek confidential and effective support as they deal with mental health issues; and
- Encourage workers to speak up if they feel they are struggling at work due to poor mental health, and to give them confidence they will be supported and respected.

We will strive to promote the health and wellbeing of people who work for us.

### To This End We Will:

- Encourage participation in social, leisure and recreational events and activities that are organised or sponsored by this organisation; and
- Implement measures that achieve a fair and reasonable accommodation of family and carer responsibilities. If you have any queries regarding the support available in this organisation to resolve mental health issues, please contact your Manager.
- Undertake performance management, disciplinary and related processes in a manner that is proportionate, fair and reasonable; and

- Work with appropriate persons to design suitable return to work programs for workers suffering incapacity to work arising from mental illness.
- We will endeavour to provide a working environment that recognises mental health issues and supports employees to deal with these issues.

# RETURN TO WORK POLICY

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## 1. Commitments of the Company

Workout Indooroopilly values the health and safety of its workers and is committed to providing a safe workplace. However, the Company acknowledges that injuries may occur. This Return to Work Policy provides a framework to ensure that the Company and its workers cooperate to ensure that workers successfully return to work following an injury.

## 2. Responsibilities Workers are required to:

- Notify their Manager of any injury as soon as is practicable and complete an accident/ incident form;
- Make reasonable efforts to actively participate and cooperate with the company in planning their return to work;
- Actively use an occupational rehabilitation service and cooperate with the provider of that service;
- Actively participate and cooperate in any assessment of:
  - a. The worker's capacity to work;
  - b. Rehabilitation progress; and
  - c. Future employment prospects;
- Make reasonable efforts to return to work in suitable employment or their pre-injury employment; and
- Participate in any interview for the purpose of enhancing the worker's opportunity to return to work.

If the worker fails to comply with these responsibilities, The Company will make contact with WorkCover Queensland.

## The Company. To the extent that it is reasonable to do so, the Company will:

Provide to the worker:

- Suitable employment, taking into account the capacity of the worker as a result of the injury; and
- Pre-injury employment, if the worker no longer has an incapacity to work.

Plan the worker's return to work by:

- Obtaining relevant information about the worker's capacity to work;
- Considering reasonable workplace support, aids or modifications to assist in the worker's return to work;
- Assessing and proposing options for suitable employment and pre-injury employment; and
- Consulting with relevant parties.

Consult with the worker, the worker's healthcare practitioner and any provider of occupational rehabilitation services about the return to work of the employee by:

- Sharing information about the worker's return to work;
- Providing a reasonable opportunity for those persons to consider and express their views about the worker's return to work; and
- Taking those views into account; and
- Inform the insurer of all injuries within 48 hours of their occurrence.

The obligations of the Company will extend for the requisite statutory period from the date upon which the company first becomes aware the worker has made a claim for compensation, or submitted a medical certificate that relates to a

claim for compensation.

## **The Return to Work Coordinator**

The Return to Work Coordinator will ensure that both the company and the worker honour their obligations under this policy.

### **3. The designated Return to Work Coordinator is:**

Name: Kelly Bell

Phone: 07 3378 8950

Email: [kelly@workout.net.au](mailto:kelly@workout.net.au)

### **4. Involving a rehabilitation provider**

Rehabilitation providers are available to assist in the return to work of workers who suffer a workplace injury or illness. Referral to the following accredited providers may be considered where the Return to Work plan is complex and requires specialist knowledge:

- WorkCover QLD

Injured workers retain the right to nominate an accredited rehabilitation provider of their own choice.

### **5. Approval**

This program will be regularly reviewed and represents Workout Indooroopilly commitment to workplace rehabilitation and returning injured employees to work.

This program was developed in consultation and is endorsed by:

Kelly Bell

Paul Sheedy

Richard Bell

### **6. Disputes**

If any disputes arise regarding return to work issues they will be resolved in accordance with any relevant procedures specified in written directions issued by the Minister.

### **7. Further information**

Further information regarding this policy is available upon request.

# WORKOUT INDOOROPILLY POLICIES AND PROCEDURES DECLARATION

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## Employee Declaration:

I have read and understand the contents of this handbook, along with all the policies and procedures, and I agree to the terms of conditions of these documents.

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

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

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