



**AREA & OPERATIONS MANAGERS
KEEPING OUT OF TROUBLE!**

Induction and Training Guide for Managers

This manual is the property of: _____

Emergency: Nearest Hospital: _____

Nearest Medical Facility: _____

First Aid Box Located: _____

First Aider: _____

Supervisor: _____ Contact: _____

Area Manager: _____ Contact: _____

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Introduction

This booklet explains in simple terms about some of the laws and policies that apply to you in the workplace.

Protect yourself and read the booklet carefully!

You as a Manager have workplace obligations. The Company needs to ensure they have fully informed you of your responsibilities, and provided sufficient information for you to conduct yourself in an appropriate manner in your management role.

Additionally, the Company has an obligation to ensure you are fully aware of your responsibilities and that they have provided sufficient training to meet your needs as a Manager. Supporting this booklet are procedures, where appropriate, and forms or other tools to assist you.

Should you have any questions regarding information in this booklet, please refer the question to either your direct line Manager or the CEO.

Managers Responsibility

Your responsibility as a Manager requires that you understand and comply with the Code of Conduct in this booklet. The Code of Conduct encompasses all other policies and procedures referred to in this document.

You are required to comply with the Code and its supporting policies, procedures and legal and regulatory matters pertaining to the Code and supporting policies.

Such legal and regulatory matters include, but are not limited to the following Commonwealth and State Acts and Regulations as they relate to the State in which you work:

- Trade Practices Act
- Environmental Protection Act
- Equal Opportunity Act
- Occupational Health and Safety Act and supporting Regulations and Codes of Practice
- Workers' Compensation Act
- Privacy Act
- Crimes Act (Commonwealth, 1914)
- Racial Discrimination Act (Commonwealth, 1975)
- Sex Discrimination Act (Commonwealth, 1975)
- Disability Discrimination Act (Commonwealth, 1992)

You are required to comply with the requirements of this booklet, encompassing company requirements in relation to these Acts and any supporting documentation provided by the company as a condition of employment.



Code of Conduct Policy

Company Policy

Our Company is committed to the highest level of integrity and ethical standards in all of its commercial practices. You are required to behave in a manner consistent with current community and company standards, and in compliance with the legislation relevant to your role and responsibilities.

The Code of Conduct Policy in the following pages sets standards on how you are to work as a Manager, and how you are to manage sensitive and compliance related issues. It covers a range of issues relating to your professional behavior as a Manager and outlines how you shall conduct yourself when representing the Company.

The Code is important to all Managers and also to those who do business with the Company. The Company needs to be able to trust that their standards in all business practices meet the necessary legal and regulatory compliance's and community expectations.

The Code supports our business reputation and corporate image within the community because it indicates that the Company cares how it operates.

This Policy applies to all Managers employed by the Company and associated businesses.

What does the Code of Conduct mean?

Everyday Responsibilities

Equal Opportunity and Harassment

You are responsible for complying with the Equal Opportunity Policy and for treating all staff fairly. All forms of unlawful discrimination and harassment are prohibited in the workplace. Your responsibility lies with ensuring this requirement is met and for dealing with reports promptly and in the manner outlined in the company policy and procedure.

Environment

You are required to ensure workplaces under your management follow the environmental policy and procedures that relate to your roles and responsibilities.

These include, but are not limited to:

- Recycling and re-use of packaging where practical
- Waste management according to contractual, local government and general regulatory requirements
- Reporting of any environmental incident e.g. hazardous waste spills, according to EPA requirements.

Health and Safety

You are required to follow all health and safety policies and procedures and ensure they are being actively followed in the workplace. Your primary responsibility in this area is to ensure hazards are identified, reported, assessed and controlled in a manner that follows the standard risk management procedure. An important tool in hazard identification are safety inspections and consultation with employees in the workplace.

No hazard should go undetected!

Identified hazards must be dealt with as a matter of priority to ensure they are assessed and appropriate controls put in place to minimize risk of harm or injury.



Injury Management

You are required to follow the policy and procedures relating to injury management. Your key role is ensuring employees and supervisors are aware of the regulatory requirement for prompt reporting of injuries (within 24 hrs) and the requirement for provision of meaningful alternative duties for injured/ill employees as part of their return to work program.

Record keeping and frequent communication/consultation with the injured/ill employee are particularly important in this process.

Smoking

Smoking is prohibited in the workplace. You need to ensure employees comply with the smoking policy applying in each work location.

Drugs and Alcohol

Employees are not permitted to:

- Use or possess illegal drugs at any work site or work function
- Attend work suffering from the effects of drug use, alcohol or illegal substances
- Consume alcohol at work

As a Manager you have a duty of care to ensure this Policy is rigidly enforced!

Violence and Weapons

Our Company will not tolerate violent behavior in the workplace. This includes acts of physical violence, aggressive behavior, bullying, verbal threats or abuse directed at another employee or to/from a customer or visitor.

Company personnel are not permitted to carry or bring any dangerous weapons onto work premises or carry in company vehicles. This includes firearms of any description. Should any instances of this nature occur, the Manager must deal with it immediately and also refer such incidents to their direct line Manager for reporting to the CEO. Police intervention may be required and is the responsibility of the CEO.

An Incident Report shall be completed and forwarded to the CEO.

Dress Standards

The Company sets standards of dress for Managers and for operational staff. There is a requirement to comply with this standard of dress and personal presentation appropriate to your role. This includes complying with any safety requirements e.g. use of personal protective equipment when undertaking certain tasks. Where a uniform is provided, it must be worn.

Managers should observe dress standards of employees and counsel those employees not meeting the Company standards (particularly in reference to the wearing of personal protective equipment).

Repeated failure to meet such standards may result in disciplinary action, following the formal process outlined in Company procedures. Records of such actions must be kept.

Computer Software

Managers should only use computer software approved by the Company. You must not duplicate Company software for business or personal use. There are laws in relation to copyright and duplicating software can constitute a breach of this law, putting the Company at risk. Using software other than that provided by the Company may also put the Company at risk as it may hold a virus or be a pirate copy.

E-mail

Use of the Company electronic mail system (e-mail) is for business purposes only, except for incidental and occasional personal use. Any messages transmitted by e-mail are treated as business messages and constitute the property of the Company.

Privacy

Managers have an obligation to ensure the privacy legislation is adhered to in all respects, including;

- Confidentiality of employee records and personal information
- Non-disclosure of customer information other than that which is in the public domain
- Only collecting information that is relevant and pertinent to the requirement of that information
- Only maintaining records of confidential information as is necessary for employment and contractual matters, and for no longer than the required retention time
- Ensuring the confidential destruction of pertinent records in an effective and timely manner.

Business Protocols

Company Reputation

Managers shall not act in any way that could cause harm to the reputation or market position of the Company during and after your employment. You have a duty to act in all matters in a manner that merits the continued trust and confidence of both the Company and the public.

Media Statements/Government

Managers shall not speak to the media or to government officers about the Company. Any requests for information relating to the Company should be referred to the CEO.

Business Gifts and Entertainment

Managers shall not accept or provide gifts or entertainment that will obligate or appear to obligate the recipient. You may only use occasional gifts and entertainment to develop appropriate business relationships.

Trade Practices

Managers are responsible for abiding by the rules of the Trade Practices Act as they apply to your management responsibilities. This includes some supervision and monitoring of practices in workplaces directly under your management influence.

Conflict of Interest

Managers shall conduct all business relationships in the best interests of the Company and avoid situations where your personal interests could conflict with the interests of the business.

Confidential Information

Managers shall not disclose or use in any manner, confidential information about the Company, its customers or its affairs that may be acquired during employment with the Company, unless the information is already in the public domain.

Honesty

Managers are responsible for any business assets under your direct line management control including information, financial assets and also plant and equipment, inventory and supplies. The Company will not tolerate theft of goods, money, property or fraudulent activity, the improper use of company or customer assets, or willful or reckless damage to property. Managers must not use, or allow to be used for personal purposes, business or customer assets, without prior approval .e.g. use of the telephone, a computer or a vehicle.

Questions and Answers

What should I do if I think I may be in breach of the Code of Practice?

Talk to your direct line Manager or the CEO and explain the circumstances relating to your concern. It is your responsibility to raise any concerns or issues with the CEO (or delegate). The Company can distinguish between honest mistakes and willful or careless breaches of policy.

Who should I talk to if I believe someone is breaching the Code of Practice?

If you think you know of any dishonest activities or breaches of policy, you should talk with your direct line Manager or CEO.

Whatever you do, the matter will be handled in strictest confidence and only those who need to know will be made aware of the situation.

I have some comments to make, who can I talk to?

Speak to your direct line Manager or, failing that, the CEO. He or she will be happy to talk with you if you have any other questions or concerns. The Company welcomes your feedback.

As the Company meets change, the Code of Practice will continue to evolve and your constructive feedback will help with future revisions.

Equal Opportunity Policy

Our Company is committed to the principles of Equal Opportunity. This includes treating all employees equally and providing an open, friendly work environment that is free from all forms of:

- Unlawful discrimination
- Sexual harassment, and
- Any other unlawful harassment

This policy is incorporated into all aspects of the Company relations with its employees. All employment decisions e.g. recruitment, promotion, training, and transfers, are determined by personal merit and based on the skills, job performance, qualifications, abilities and experience of the individual.

The company conducts all activities in a manner that ensures fair and equal treatment for all employees, contractors, customers, suppliers and visitors.

It is the Managers responsibility to ensure that this policy is diligently practiced within their area of responsibility.

The Company has a legal responsibility to ensure that all reasonable steps have been taken to prevent discrimination and harassment occurring in the workplace.

You are entitled to an open, friendly workplace free of harassment and discrimination.

It is a Manager's responsibility to:

- Ensure employees understand the appropriate and acceptable standard of conduct and behavior at work
- Set an example to supervisors and employees in general
- Take early action to deal with any behavior that may be considered as offensive, including intimidation and/or discriminatory behaviour.

It is a Managers responsibility to ensure employees:

- Comply with the Equal Opportunity Policy
- Behave according to the standards set in the Equal Opportunity Policy
- Treat each other fairly

Individual Managers and employees, as well as the Company may be held directly liable for their actions in the workplace.

Unlawful Discrimination and Harassment

- What it means to Managers

What is unlawful discrimination?

Discrimination is when someone treats a person unfairly or makes an unfair decision about a person based on grounds that are prohibited by legislation.

Unlawful grounds of discrimination include, but are not restricted to:

- Age
- Gender
- Race, national origin
- Marital status
- Disability or impairment
- Pregnancy/potential pregnancy
- Parental status
- Career status
- Sexual orientation
- Physical features
- Industrial activity/inactivity
- Religious beliefs or activity
- Political beliefs or activity
- Personal association

Examples of unlawful discrimination include:

Sexual discrimination

"We do not employ young women because they are likely to want maternity leave"

Age discrimination

"He/she is too old to do that type of work"

Racial discrimination

"We only hire people who can understand what we're saying". This can be a genuine requirement, but where it is not, non-English speaking background ethnic groups will be indirectly discriminated against.

What is Unlawful Harassment?

Harassment is any unwelcome, uninvited or offensive conduct, comment or behavior that intimidates, offends or humiliates another person, or makes the workplace uncomfortable and unpleasant.

Unlawful harassment includes sexual harassment or any harassment based on any prohibited grounds for discrimination,

While harassment may not be intended to hurt another person, if it does it is unlawful.

Unlawful harassment may take different forms:

- Unwelcome sexual advance or sexual propositions to a person or unwelcome sexual conduct
- Display of racist material
- Display of pornographic pictures, e-mail, fax
- Physical assault based on race
- Touching in a sexual way
- Practical jokes at the expense of someone with a disability

Equal Opportunity – what should you do if you receive a complaint?

If an employee believes they are being discriminated against or harassed at work, where possible, go to the source and talk to the person/s involved. This can be difficult, however, saying “stop” is often the most effective way to diffuse a situation and prevent further harassment.

If this approach is not possible or fails to resolve the issue, as a Manager you should then escalate the issue to your direct line Manager or CEO.

What will the Company do if a complaint is received?

If you refer a complaint, the Company will take action to ensure that the issue is either resolved or if evidence suggests that it did not occur, that the reputation of the person that has been accused is protected.

Managers or employees will not be disadvantaged as a result of making or receiving a complaint.

Safety and Risk Management Policy

Under state OH&S Acts, all parties involved with work have responsibilities for safety and health at work.

Duties are best expressed as:

- An employer must provide a work environment in which employees are not exposed to hazards
- Employees must take reasonable care for their own safety and health, and that of others at work
- Subcontractors must ensure the work they undertake does not adversely affect the safety and health of others.

This is commonly referred to as 'Duty of Care'.

Obligations of Employers

Employers must provide a workplace where employees are not exposed to hazards. Employers must also provide a safe system of work.

Employers and subcontractors must, as far as practicable, look after their own safety and health and ensure that the work does not affect the safety and health of others.

All equipment must be maintained so it can be used safely.

Safety and health information must be supplied with all equipment and hazardous substances.

Employers must ensure they consult with employees and subcontractors in matters of health and safety.

Obligations of Employees

Employees must take reasonable care for their own safety and health and that of others affected by their work.

Risk Management role for Managers

Managers need to ensure risk management is practiced in the workplace. This involves the following three steps:

- Identify any hazards associated with the work or the working environment
- Assess the risk of injury or harm to health associated with each hazard
- Consider and apply the means by which the risk may be eliminated, reduced or controlled.

A hazard register must be maintained at each workplace and employees made aware of their role in hazard identification, assessment and control. Managers need to ensure such registers are in place and are being effectively managed.

Procedures are in place for proactive risk management. They need to be enacted in the consultative process outlined in the procedures. Managers need to monitor this process and ensure its effective application.

Duty of Care - What it means to Managers

What is a Managers 'Duty of Care'

The Act places emphasis on workplace consultation between employers and employees. There is a clear obligation for Managers, acting on behalf of the Company, to consult with employees, and ensure supervisors and others also undertake a consultative role, to encourage management of safety and resolution of safety issues in a spirit of joint responsibility, care and co-operation.

How should a Manager go about managing safety on sites?

Unintended consequences or mistakes do happen. Managers have a 'duty of care' to consider the possibility of these occurring and take steps to avoid them. When the likelihood of mistakes can be predicted they are 'foreseeable' and Managers have a duty to prevent them, or minimize their likelihood.

When considering the potential for mistakes, Managers should take into account the risks of danger through:

- inattentive work behaviour or practices
- work undertaken without proper instruction, training or supervision
- unscheduled or unplanned work that poses a risk

Managers have a key role to play in ensuring workplaces are reviewed for such 'risks' prior to the start of work in a new environment, when that work environment changes for any reason, or after a workplace incident or accident. This is risk management.

Rehabilitation Policy

The Company is committed to the practice of workplace rehabilitation for employees who are injured or acquire a disease as a result of their work. An integrated and effective approach to rehabilitation shall commence immediately following advice of an injury or illness.

All injuries or illness, which occur as a result of work, are to be reported as below:

- minor injuries requiring first aid only – complete injury register
- serious injuries are to be reported to the CEO or delegate immediately – also complete the injury register and an Accident Report
- dangerous occurrences (near misses) which do not result in accident or injury but may have, should also be reported and investigated.

Reporting of near misses is extremely important as the circumstances that allowed the near miss to occur must be investigated and action taken to prevent that circumstance from occurring again.

Investigations – A Managers Responsibility

Accident investigations shall be initiated to establish the cause of accidents which in turn provide opportunities to improve safety within the working environment.

Should you be involved in an accident investigation, it is your responsibility to report them and to co-operate with accident investigators.

However, under no circumstances should you discuss any details of an accident with any persons other than accident investigators or the Company.

It is not your role to accept responsibility or lay blame, SIMPLY STATE the FACTS and allow investigators to make decisions.

Injury Management – What it means to Managers

Injury management is about getting injured or ill workers back to work in the shortest possible time.

There are some important factors to remember in good injury management:

- Treating the injured/ill worker as a valuable member of the Company by keeping in daily/regular contact with them
- Providing an effective and meaningful return to work plan with the approval of the relevant medical team
- Monitoring the return to work plan to ensure the worker returns to their original duties as soon as possible.

Workcover premium costs are adversely affected when a Workcover claim is not well managed. Good management means getting the worker back to work in the shortest possible time, even if that work is only for a few hours a day. Immediate return to work is the ideal, followed by careful management of the return to work plan. Managers must monitor return to work plans closely. No worker should be left at home without regular contact to encourage his or her speeding recovery. This is a Manager responsibility.

Trade Practices Policy

Managers must abide by the rules of the Trade Practices Act as it pertains to the Company.

The Trade Practices Act is a law that was written to ensure that Australian businesses remain competitive.

Almost all businesses in Australia are affected by the Trade practices Act. It guards against unfair practices and ensures that we operate in a market place that is open and fair. It is also designed to keep out business honest and provides a set of standards to protect consumers.

Although we must strive for profit, we must also compete within the law.

Summary of the Act

Rules of Competition

The Trade Practices Act contains provisions (rules) about competition in order to keep the level of competition high. The rules of the Act prevent us or our opposition gaining an unfair advantage through anti-competitive activities. These rules forbid 'any agreement or arrangement, formal or informal, spoken or unspoken, which could substantially lessen competition.'

Illegal Activities

Illegal activities include:

- False advertising
- Misleading customers or competitors about services we provide
- Offering false promises
- Making a false statement about another person or Company's services
- Price fixing
- Credit fixing arrangements
- Third line forcing – this is where a condition of sale is that the customer is restricted to buying goods or services from a third party.

Consumer Protection

The Trade Practices Act provides a set of standards to protect consumers. These rules aim to prevent misleading conduct and dishonest practices, and to ensure fair trading and fair competition.

Responsibility

All Managers are responsible for abiding by the rules of the Trade Practices Act. The law does not only punish the Company for a breach of the trade practices legislation, nor does it blame only the individual. Therefore it is up to all Managers to abide by the provisions.

Penalties

The Maximum penalties for infringement of the Trade Practices Act are up to \$10,000,000 for each offence for companies. The maximum penalties for individuals are fines of up to \$500,000 for each offence.

Remember that fines apply to each separate offence, so that the total fine could be many hundreds of thousands of dollars.

What you can and can't say

If a customer asks you about a competitors service.....

It's best to avoid saying anything bad about our competitors. Apart from the Trade Practices Act, it is usually seen as unprofessional.

You must not make any misleading statements about their quality, price or honesty. There are both personal and there are Company penalties for making this sort of misleading statement.

If a customer asks you about a product being used as part of our service deliver. e.g. cleaning substance

Tell them the facts – and they must be accurate!

Say only what you know about the product or what the manufacturer states. Penalties also apply to a guess that turns out to be wrong. Don't make a statement unless it can be proven – even if it's probably true. Never mislead the customer for the sake of pleasing them.

Trade Practices – what you don't do.

- Don't mislead or deceive a customer about costs in relation to the service we provide.
- Don't make any false claim about the performance of any product we use, or about where it was made.
- Don't make misleading statements about competitors' services – in fact, don't discuss competitors at all.
- Don't make any agreements with suppliers that may limit competition in any way.
- Don't impose any conditions on the supply of products or services, such as forcing a customer to use a particular brand of goods (third line forcing).
- Don't answer any questions asked by Commission investigators. The Company will handle these matters directly. You should therefore refer any questions to your direct line manager or CEO.

Privacy Policy

The provisions of the Privacy Amendment (Private Sector) Act that impose privacy obligations on companies came into operation on 21 December 2001.

What information is regulated?

The Private Sector Act regulates the manner in which the Company handle personal information, which is information or an opinion, in any form and whether true or not, about an individual whose identity can be ascertained from the information.

Special provisions apply to the collection of personal information which is sensitive information. This includes health information and information about a persons' race, ethnic origin, political opinions, membership of trade associations, religious or philosophical beliefs, sexual preferences and criminal history.

Privacy Rules

The following information is important to you as a manager and you should ensure you both understand and follow the requirements set out below.

Collecting Information

Only information necessary for what the exact purpose you require the information should be collected, and that must be done by lawful and fair means and not in an unreasonably intrusive manner. At or before the time of collection, the intended uses of the collection should be made clear to the person to whom the information relates.

Use and Disclosure

This means that we must be careful no to use the information we collect for any other purpose than what we originally collected it for. We must also inform the person from whom we are collecting the information, the purpose for which the information will be used.

Data Quality

We must ensure that any personal information we collect, use or disclose is accurate, complete and up to date.

Data Security

We must take all reasonable steps to keep personal information secure from misuse, loss and unauthorized access, modification or disclosure. In addition, we must destroy personal information if it is no longer needed.

Openness

On request by a person, we must take reasonable steps to advise that person generally about the sort of information we hold.

Access and Correction

As a general rule, we need to allow individuals access the personal information held about them.

We must also take reasonable steps to correct information about an individual if it is not accurate, complete and up-to-date.

Identifiers

We must not use any unique identifiers assigned to individuals by Commonwealth agencies (e.g. tax file numbers, pension numbers or Medicare numbers) on any of our own documents as a means of identifying that person.

Anonymity

Individuals must have the option of not identifying themselves when dealing with the Company if it is lawful and practicable for individuals to remain anonymous. This is NOT the case for employment, but could be the case if the Company is undertaking some form of survey such as with 'feedback' forms in training sessions.

Sensitive Information

Sensitive information includes information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, criminal record, health information or details of an individual's health or sex life.

Sensitive information can only be collected if the individual consents, if required for the data collection purpose or to prevent or lessen threats to life or health where an individual is physically or legally incapable of consenting. e.g. health information that may be essential in the case of an accident.

Environment Policy

Under both Commonwealth and State legislation, we have a requirement to meet the designated environmental requirements pertaining to the activities we undertake in the workplace.

The requirements are best expressed as:

- An employer must provide a work environment in which the tasks undertaken do not put the environment at risk due to adverse affects on the air or atmosphere, water or waterways or soil or surrounding vegetation
- Employees must take reasonable care for the management of the environment when undertaking workplace duties
- Subcontractors must ensure the work they undertake does not adversely affect the environment.

Obligations of Employers

Employers must provide a workplace where employees trained and provided with the tools to prevent the occurrence of an environmental incident. Employers must also provide a safe systems of work incorporating good environmental practices.

Employers and subcontractors must, as far as practicable, look after the workplace environment to ensure it is left in the same condition (or better) when vacating the workplace.

All equipment must be maintained so it does not provide an adverse environmental affect. e.g. exhaust emissions. Environmental information must be supplied with all equipment and hazardous substances so as to ensure environmental sustainability of the working environment.

Obligations of Employees

Employees must take reasonable care of the environment and report any incidents to their manager as and if they arise.

Environmental Risk Management role for Managers

Managers need to ensure environmental risk management is practiced in the workplace. This involves the following three steps:

- Identify any probable environmental risks/hazards associated with the work or the working environment
- Assess the risk to the environment
- Consider and apply the means by which the risk may be eliminated, reduced or controlled.

Procedures are in place for proactive risk management. They need to be enacted in the consultative process outlined in the procedures. Managers need to monitor this process and ensure its effective application.