



SHIRE OF  
**Chapman Valley**  
*love the rural life!*

# **HR Induction & Guidelines Manual**

# Version Control

## This Is a Controlled Document of the Shire of Chapman Valley

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Version: 2

## Amendments

Title new / removed policy	Replacing Policy	Date
Full Manual Review	Minute Reference: 07/18-10	18 <sup>th</sup> July 2018
Full Manual Review	Minute Reference: 07/19-4	17 <sup>th</sup> July 2019
Full Manual Review	Minute Reference: 03/20-13	18 <sup>th</sup> March 2020
Full Manual Review	Minute Reference: 03/21-10	17 <sup>th</sup> March 2021
Full Manual Review	Minute Reference: 03/22-08	16 <sup>th</sup> March 2022
Drug and Alcohol Policy	Minute Reference: 2023/06-8	15 <sup>th</sup> June 2023
New - Grievance, Investigations and Resolution Policy	Minute Reference: 2023/08-6	15 <sup>th</sup> June 2023
New – Disciplinary Action Policy	Minute Reference: 2023/08-6	15 <sup>th</sup> June 2023
Full Manual Review	Minute Reference: 2024/04-8	18 <sup>th</sup> April 2024
New – CMP-030	Minute Reference: 2024/04-8	18 <sup>th</sup> April 2024
COVID Leave Policy Updated	Minute Reference: 2024/05-13	16 <sup>th</sup> May 2024
Standards for CEO Recruitment, Performance & Termination - Review	Minute Reference: 2025/05-10	8 <sup>th</sup> December 2025

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## Key Documents, Policies / Procedures

These are Shire specific policies, procedures and guidelines relevant to the Human Resources section of the organisation and form part of this manual to act a reference tool.

### Policies

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#### CP-015 Equal Opportunity Statement and Plan

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POLICY NO	CP-015
POLICY	EQUAL OPPORTUNITY STATEMENT
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	6.20
LEGISLATION	EQUAL OPPORTUNITY ACT, 1984
RELEVANT DELEGATIONS	1017

#### OBJECTIVES:

The objects of this Policy are:

- (a) to eliminate, so far as is possible, discrimination against persons on the ground of sex, marital status or pregnancy, family responsibility or family status, sexual orientation, race, religious or political conviction, impairment, age, publication of relevant details on the Fines Enforcement Registrar's website or, in certain cases, gender history in the areas of work, accommodation, education, the provision of goods, facilities and services and the activities of clubs; and
- (b) to eliminate, so far as is possible, sexual harassment and racial harassment in the workplace and in educational institutions and sexual harassment and racial harassment related to accommodation; and
- (c) to promote recognition and acceptance within the community of the equality of men and women; and
- (d) to promote recognition and acceptance within the community of the equality of persons of all races and of all persons regardless of their sexual orientation, religious or political convictions or their impairments or ages.

#### POLICY STATEMENT/S:

The Shire recognises its legal obligations under the Equal Opportunity Act, 1984, and will actively promote equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, marital status, age, pregnancy, race, and disability, religious or political convictions.

All employment training with this Shire will be directed towards providing equal opportunity to all employees provided their relevant experience; skills and ability meet the minimum requirements for such training.

All promotional policies and opportunities with this Shire will be directed towards providing equal opportunity to all employees provided their relevant experience; skills and ability meet the minimum requirements for such promotion.

All offers of employment within this Shire will be directed towards providing equal opportunity to prospective employees provided their relevant experience; skills and ability meet the minimum requirements for engagement.

This Shire will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

The equal opportunity goals of this Shire are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

The Shire will exercise the conditions and requirements of its Equal Opportunity Management Plan.

#### **ADDITIONAL EXPLANATORY NOTES:**

Attached is a copy of the *Shire of Chapman Valley Equal Employment Opportunity Management Plan* as required under Section 145 (2) (a) – (h) of the Equal Opportunity Act 1984.

#### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>10/01/9</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32; 03/17-32</b>

# *Shire of Chapman Valley*

## *Equal Employment Opportunity Management Plan*

**2021 - 2025**

### **Chief Executive Officer's Foreword**

The Shire of Chapman Valley is committed to the development of a culture that is supportive of employment equity and diversity. A workplace that is free from discrimination or harassment; where people are treated on the basis of merit.

The Shire will, through the Equal Employment Opportunity Management Plan, facilitate the identification and removal of barriers; whilst promoting policies and procedures that reflect and respect the diversity of the community.

Maurice Battilana  
Chief Executive Officer  
Shire of Chapman Valley



## Introduction

Each authority shall prepare and implement an Equal Employment Opportunity (EEO) Management Plan to achieve the objectives in Part IX (Equal opportunity in public employment) of the Equal Opportunity Act 1984. The Equal Employment Opportunity Management Plan requirements are based upon Section 145 (2) (a) – (h) of the Equal Opportunity Act 1984.

### 145. Preparation and implementation of management plans

(2) The management plan of an authority shall include provisions relating to —

- (a) The devising of policies and programs by which the objects of this Part are to be achieved; and
- (b) The communication of those policies and programs to persons within the authority; and
- (c) The collection and recording of appropriate information; and
- (d) The review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programs, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices; and
- (e) The setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed; and
- (f) The means, other than those referred to in paragraph (e), of evaluating the policies and programs referred to in paragraph (a); and
- (g) The revision and amendment of the management plan; and
- (h) The appointment of persons within the authority to implement

The purpose of this Equal Employment Opportunity Management Plan is to comply with requirements of the Act by identifying and implementing strategies in key areas to eliminate discrimination in the workplace.

This Equal Employment Opportunity Management Plan has identified 5 key areas to promote EEO principles and compliance.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Update EEO Policy	Shire of Chapman Valley	Annually as part of Policy/Procedures Review	CEO	EEO Policy created with consultation, adopted and communicated to all staff
Implement EEO Management Plan	Shire of Chapman Valley	Ongoing	CEO	EEO Management Plan & strategies communicated to all staff; No complaints are received in relation EEO principles
Ensure that all new policies developed conform with EEO principles	Shire of Chapman Valley	Ongoing	CEO	Policies comply with EEO standards; are communicated to staff and equitable access is provided to all staff;

1. Policies & Procedures
2. Communication & Awareness
3. Training & Development
4. Harassment & Grievance Procedures
5. Implementation & Evaluation

These EEO key areas will provide the Shire with a strategy and mechanism to measure the progress in achieving EEO management goals.

#### Strategy 1 – Policies and Procedures

Objective: The Shire has policies and procedures in place that support EEO principles.

#### Strategy 2 – Communication & Awareness

Objective: That all employees understand these EEO principles and their rights and responsibilities in the workplace.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Make available all EEO Management Plan documents and EEO Policies	All Employees	Ongoing	CEO	All EEO documentation is available on internal common data drive. All documents are made available in hard copy.
All managers/supervisors are aware of their responsibilities at commencement of employment	Managers & Supervisors	Ongoing	CEO	All new Managers/Supervisors sign off to confirm their awareness of EEO Management Plans & Policies within one month of commencement.
All aspects of EEO are covered in the induction process	New employees	Ongoing	CEO	Ensure all EEO information can be found in the induction handbook. Ensure all policies are communicated as part of the induction process and employees are aware of their obligations.

#### Strategy 3 – Training & Development

Objective: All employees will have access to training and development opportunities relevant to their employment.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Encourage training opportunities for all employees.	All Employees	Ongoing	CEO	Provide training opportunities in a shared access area. All documents are made available in hard copy. Ensure training incorporates EEO principles.
All managers/supervisors are informed of changing responsibilities in relation to EEO	Managers/Supervisors	Ongoing	CEO	All Managers/Supervisors confirm their awareness of EEO Management Plans & Policies in their performance reviews.

#### Strategy 4 – Harassment & Grievance Procedures



Objective: Provide and promote effective grievance policy and procedures.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Review and update grievance policy	Council & All Employees	Annually as part of Policy/Procedures Review	CEO	Review current grievance policy and cross reference to EEO policy/plan.
Provide information to all employees about what constitutes an EEO grievance and the grievance handling procedures	All employees	Ongoing	CEO	Provide access to all employees of the EEO policy/plan and grievance procedures. Information to be included in the induction hand book.
Provide training in bullying and harassment awareness	All employees	Ongoing	CEO	All employees attend bullying and harassment training awareness as required.

#### Strategy 5 – Implementation & Evaluation

Objective: Successful implementation, evaluation and review of the EEO Management Plan.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Communicate requirements to workforce	All employees	Ongoing	CEO	Management and employees are aware of EEO policies and procedures. Changes are communicated to all employees.
Conduct EEO diversity survey	All employees	Ongoing	CEO	Response rate to EEO diversity survey is 80% of employees.
EEO Management objective are reviewed annually.	Council & All Employees	Ongoing	CEO	Objectives are reviewed & updated to reflect current EEO legislation.

**The Equal Employment Opportunity Management Plan is to be read in conjunction with the following information.**

Equal Employment Opportunity Policy  
Harassment & Grievance Procedures  
Workplace Display Material  
Complaints against Employees

#### **EQUAL EMPLOYMENT OPPORTUNITY**

The Shire of Chapman Valley is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees.

All employment practices (recruitment, selection, training and employment, promotion and transfer and all other terms and conditions of service) will be based on the merit of the individual against specific job requirements. Existing and future employees will not be discriminated against in their employment on the grounds of gender, race, disability, age, pregnancy or potential pregnancy, marital status, family status or family responsibility, political or religious conviction, gender history or sexual orientation.

The Shire will, through its Equal Employment Opportunity Management Plan, ensure any discriminatory practices are progressively removed from its policies and procedures and will recognise and encourage employees on the basis of their abilities, aptitudes, qualifications and skills, through the implementation and monitoring of effective Human Resources policies and procedures.

The Equal Employment Opportunity (EEO) policy also aims to eliminate all forms of workplace harassment. The Shire believes the implementation of an EEO policy and plan will create a more productive workplace and will result in better services to the community.

### **Purpose**

The purposes of the Shire's EEO policy are:

- To eliminate and ensure the absence of discrimination in employment on the grounds of gender, race, impairment or disability, age, marital or family status, political or religious conviction, sexual orientation or gender history; and
- To promote equal employment opportunity for women, indigenous Australians, people with disabilities, youth and people from culturally diverse backgrounds or other minority groups within the Shire.

### **Equal Employment Opportunity (EEO)**

EEO is the principle which ensures that all employees and potential employees are treated equally and fairly, regardless of their gender, race, impairment or disability, age, marital or family status, political or religious conviction, sexual orientation or gender history.

### **Discrimination**

Discrimination refers to unequal treatment or opportunities. Discrimination may be direct, indirect or systemic.

- **Direct Discrimination** is when a person is treated less favourably than another person in the same or similar circumstances based on one or more of the above mentioned grounds.
- **Indirect Discrimination** is when policies, rules and practices which appear neutral or impartial adversely affect a group or individual, thus reducing opportunities. These rules and practices are discriminatory in effect, as they exclude people with suitable skills who don't meet the apparently fair rules or practices, e.g. Height requirements for certain jobs, no female toilets at certain worksites.
- **Systemic Discrimination** is rules or practices which result in different patterns of access to different jobs and different access to benefits or services. It is the result of both direct and indirect discrimination.

### **Merit**

Merit is the mechanism of assessing each person's skills and abilities against the needs of the job, and disregarding unlawful personal characteristics which are relevant to the job. Merit recognises experience gained both inside and outside formal employment.

### **Affirmative Action**

Affirmative Action programs are designed to overcome the effects of past discrimination. This discrimination has formed barriers which exclude target groups from having access to equal employment opportunity. Affirmative action seeks to address the effects of past disadvantages and prevent future disadvantages. It is the method of achieving equal employment opportunity for target groups. This may involve, for example, the provision of selection tests with a sign language interpreter present for applicants with hearing disabilities.

## **Harassment**

Unlawful harassment is unwanted, uninvited and inappropriate behaviour based on a person's sex, race or disability. Sexual Harassment is unwelcome conduct of a sexual nature that a reasonable person would be offended, humiliated or intimidated by. This can be verbal, written or physical by nature. It does not matter that the person did not mean to be offensive.

Racial Harassment is when a person is threatened, abused, insulted or taunted about their race, or a characteristic generally associated with their race and they believe if they object to the unwanted behaviour they will be disadvantaged in the workplace.

Disability harassment is when a person is threatened, abused, offended or excluded because of their disability.

**The Shire of Chapman Valley considers any sexual, racial and other forms of harassment as an unacceptable form of behaviour which will not be tolerated under any circumstances.**

## **Victimisation**

Any employee who has made a complaint, or is witness to a complaint in relation to discrimination, harassment or bullying will not be discriminated against or suffer any other disadvantage for having made a complaint in good faith.

## **Vilification**

Vilification generally refers to any act that happens publicly as opposed to privately; and that could incite other to hate, have serious contempt for, or have serious ridicule of you or a group of people, because of race, ethnic, religious or national origin, sexual orientation or transgender status (including references to HIV or AIDS status).

## **JURISDICTION**

EEO policies and practices apply to all employees. All employees are obliged to follow non-discriminatory practice in the workplace, as it is Council and the Chief Executive Officer (as the responsible employers) which are legally accountable for discrimination in employment matters.

## **RESPONSIBILITY/ACCOUNTABILITY**

### **All Staff**

- Are responsible for upholding the EEO principles outlined in this policy, however specific responsibility lies with line managers and supervisors to prevent discrimination and promote equal opportunity in the workplace.
- Have the right to seek advice from the Anti-Discrimination Board.

### **Managers/Supervisors**

- Are responsible for ensuring that the principles covered in this policy are upheld by the staff for which they are responsible.
- Are responsible for ensuring equality of employment opportunity is extended to all staff, and that no unlawful discrimination occurs in employment practices.
- Ensure the Shire's EEO policy and plan is implemented within their Division.
- Ensure all staff with supervisory responsibilities is aware of employees' rights and obligations under the Shire's EEO policy and relevant legislation.

### **The EEO Co-ordinator will**

- Work with management and staff to develop and implement the EEO policy and program including guidelines and best practice standards.
- Research EEO matters and keep management informed of developments in EEO.
- Provide statistical and other human resources information to allow the Shire to develop and monitor its EEO program.
- Integrate the EEO policy and practices into human resources management practice and Shire's programs.
- Advise on grievance handling procedures.
- Assist with the development and review of Human Resources policies and procedures.
- Ensure that position descriptions of all staff reflect their EEO responsibilities and accountabilities.

### **The Chief Executive Officer will**

- Ensure the Shire's EEO policy and program is implemented within the Shire.
- Ensure all staff complies with the Shire's EEO policy and with legal obligations under relevant legislation.
- Ensure that management audits of the EEO program are undertaken on a regular basis to ensure that the EEO policy and program continue to meet their objectives.

Any reports of harassment will be treated seriously and sympathetically by the Shire, and will be investigated thoroughly and confidentially. The Shire's grievance policy and procedures will be followed in the case of a harassment complaint.

Disciplinary action will be taken against any Shire employee found to be perpetrating harassment of other Shire employees.

### **BREACHES OF POLICY**

Breaches of the Equal Employment Opportunity policy will not be tolerated. Failure to extend equality of employment opportunity to all employees is a serious matter and will result in the appropriate disciplinary action. Serious breaches of this policy may result in termination of employment.

### **GRIEVANCE POLICY AND PROCEDURES**

A grievance is any work related disagreement, complaint or matter which someone thinks is unfair or unjustified and which is causing that person concern or distress. Grievances can relate to almost any aspect of employment including: issues concerning transfer and promotion, rosters, leave allocation, work environment, safety in the work place, performance appraisal, discrimination or harassment.

#### **Policy Statement:**

**The Shire is committed to resolving grievances wherever possible through mediation consultation, cooperation and discussion.**

- All grievances will be handled in utmost **confidentiality**. Only the people directly involved will have access to information about the complaint.
- All procedures will be **impartial**. No assumptions will be made, and no action will be taken until all relevant information has been collected, investigated and considered.
- The Shire is committed to ensure that **no repercussions** or victimisation occurs against anyone who makes a complaint.
- Seeking redress of a trivial, frivolous or vexatious issue through a grievance procedure will not be tolerated.
- Complaints will be dealt with in a **timely** manner.

#### **Responsibilities:**

**General Manager/Group Managers:** for serious and complex grievances which could involve possible fraud, corruption, physical danger or serious misconduct of a senior staff member.

**Supervisors/Team Leaders:** in general all supervisors/team leaders are to be the first point of receipt and will be responsible for the investigation and resolution of staff grievances.

**Human Resources staff:** are to provide advice and assistance and where necessary receive and investigate the grievance, particularly if the grievance relates to a discrimination, harassment or personnel/industrial matter.

Using the grievance procedure does not eliminate the right of a staff member or the Shire as an employer in gaining advice or assistance from unions, professional associations or any other external agency.

### **GRIEVANCE PROCEDURES**

- In general the grievance should be first discussed with or put in writing to the supervisor/team leader for

resolution. This would not apply where the issue directly relates to the activities of the supervisor/team leader.

- The relevant investigator should obtain the facts, clarify issues and then discuss findings with the staff member lodging the grievance.
- Where a Contact Officer or Investigator believes they cannot handle the grievance objectively, or where they lack the power to resolve the particular complaint, they may refer to the Human Resources Manager.
- A written record of the complaint should be taken by the Officer responsible for investigating the complaint. This Officer would also talk to the other person/people involved separately and impartially. Where agreement as to resolution is reached, the Officer should follow up the situation to ensure what has been agreed to actually occurs.
- If a grievance remains unresolved, it is to be taken to senior management or to a mutually agreeable third party for mediation/arbitration.
- Union, employee association or Human Resource Management assistance can be sought to assist resolution at any step in the procedure.
- Grievances should generally be resolved within 4 weeks.

### **Contact Officers**

An independent contact officer shall be nominated in each Division using the following selection criteria:

- commitment to EEO principles
- discretion and ability to maintain confidentiality
- sound listening skills, mediation, conflict resolution and interpersonal skills
- awareness of discrimination issues
- known integrity and support for principles of social justice
- investigative ability

### **Qualified Privilege**

A staff member who raises a grievance is protected against any action for defamation by the defence of qualified privilege provided the grievance is raised in accordance with these procedures and does not intentionally make a malicious or substantially frivolous complaint.

A staff member who carries out grievance investigation and resolution in accordance with these procedures, or a staff member who is required to prepare a report concerning another staff member is protected against any action for defamation by the defence of qualified privilege provided that

- they act in accordance with established procedures
- they are not motivated by malice, and
- they do not publish such material to persons who have no legitimate interest in receiving it.

A Complainant has the right to

- Keep notes, copy of written documents or diary record of all incidents and any responses, including date, times, witnesses and other details?
- advise his/her supervisor, Human Resources Manager or EEO Coordinator or a person at an appropriate level within the organisation
- contact their respective Union for advice
- contact the WA Anti-Discrimination Board where appropriate

A Person who is subject of a complaint has the right to

- be informed verbally of what behaviour they are being accused of
- to respond to the allegations and cite witnesses if appropriate
- to fair treatment and procedures
- to be heard by an unbiased person

The Person receiving a report/complaint should

- advise complainant that their complaint will be treated sensitively, confidentially and without victimisation
- in the case of harassment complaints, establish whether complainant has advised alleged harasser that their behaviour is unwelcome
- In the case of harassment complaints, advise the Human Resources Branch that a complaint has been made.

- Ensure that a written report is obtained from the complainant, containing appropriate details, witness reports etc.
- Approach the subject of the complaint or alleged harasser to seek a response to the allegations made about their behaviour. This approach should be made either in the company of the person's supervisor/team leader or Human Resources Branch Representative.
- Conduct a confidential interview and seek reports from any identified witnesses.

### **Disciplinary procedures**

Should a grievance and its subsequent investigation indicate the need for disciplinary action, the relevant Group Manager is to be advised and the Shire's Disciplinary Policy and Procedures are to be followed.

In the case of discrimination/harassment complaints, the following disciplinary procedures will apply:

#### **If the behaviour is admitted**

- where the behaviour is admitted and is of a single visually or auditory offensive nature (eg sexist/racist poster or language rather than a sexual proposition or a physically threatening approach)
- A first disciplinary interview should be conducted and written warning issued to the Harasser together with a reinforcement of the Shire's policy.
- If the behaviour is admitted and has consisted of repeated incidents of physical approaches etc, a First and final warning should be issued.
- the admitted harasser should be cautioned that they should take no action which could be construed as victimisation, as this will lead to further disciplinary action.
- if the harasser is the complainant's immediate supervisor, the harasser's supervisor must be consulted on any decisions regarding promotion, job rotation etc involving the complainant, and
- Should be offered counselling to avoid further incidents.
- A copy of any disciplinary letters shall be placed on the harasser's file.

#### **If the behaviour is not admitted and there were no witnesses, the following procedures apply:**

- in such cases, the "balance of probability" needs to be taken into consideration  
The alleged harasser is to be reminded of the Shire's policy, advised that their alleged behaviour has been perceived by the complainant as harassment and informed that their behaviour with the Complainant will be monitored.
- the alleged harasser is to be cautioned that they should take no action which could be construed as victimisation towards the complainant
- the complainant will be advised of the alleged harasser denial and of their right to seek assistance from the Anti-Discrimination Board
- No notes of the allegations will be recorded on personal files.
- Any notes/reports taken in respect of harassment complaints and the actions taken as a result will be kept in a separate confidential file by the Human Resources Manager.
- These records may be required should a complainant choose to go to the Anti-Discrimination Board.
- breaches of confidentiality of harassment complaints are unacceptable and may be subject to separate disciplinary action

### **WORKPLACE DISPLAY MATERIAL**

**The Shire of Chapman Valley is committed to ensuring the Shire's workplaces present a positive public image and do not display material which is unlawfully discriminating and likely to cause offence.**

**Council is also required to comply with legislation which makes sexual harassment and racial vilification unlawful.**

As such, all material of a sexist, racist or otherwise offensive or discriminatory nature **shall not be displayed** in any Shire workplace. Material could include graphics such as pictures, posters, cartoons, picture calendars, graffiti or writing such as poems, quotes, notes or jokes. Examples of such material could be calendars or posters of almost nude females or males or material which portrays a stereotypical view of a person of another race.

It is the responsibility of every supervisor and manager to ensure that their workplace does not display sexist, racist

or otherwise offensive material and that any such material on display is removed. Any employee who displays such material will be asked to remove it as it is inappropriate in the workplace and against the Shire's policy. If an employee does not remove the material, the supervisor will take the responsibility to do so and the employee will be given a written warning advising them that any future breaches of policy will result in formal disciplinary action being taken against them. All existing and future suppliers and contractors, who wish to make available such material, will be advised of Council's policy regarding workplace discrimination.



## CP-016 Drug & Alcohol Policy

POLICY NO	CP-016
POLICY	DRUG & ALCOHOL
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	6.100
LEGISLATION	OCCUPATIONAL HEALTH & SAFETY ACT, 1984
RELEVANT DELEGATIONS	

### OBJECTIVES:

The purpose of the Shire of Chapman Valley - Drug and Alcohol Policy is to ensure that all employees, contractors and visitors who are present at Shire of Chapman Valley work sites are in a condition to safely carry out their work and do not present a risk to the safety of any other person in the workplace.

The Shire of Chapman Valley has a general 'duty of care' obligation to ensure that, as far as practicable, workers are not exposed to hazards and risks that could arise from workers being impaired by alcohol and or other drugs and, where they may arise.

### POLICY STATEMENT/S:

#### 1. Introduction

This policy is designed to eliminate the risks inherent in the use or abuse of drugs, alcohol or other substances and to provide a safe and productive workplace for employees.

The Shire is committed to ensuring all employees take reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and other drug usage becomes a work safety and health issue if a worker's ability to exercise judgement, coordination, motor control, concentration and alertness at the workplace is impaired.

#### 2. Application

For the purpose of this policy:

- The term "employees" shall extend to cover contractors as per the Work Health and Safety Act 2020, volunteers and any person performing work for or with the Shire in any capacity.
- The workplace is defined as any place in which work is carried out while engaged by the Shire.

Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

#### 3. Responsibility

Under the Work Health and Safety Act 2020, workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. The consumption of alcohol and/or drugs while at work is unacceptable (the hazard extends to being adversely effected, possibly as a result of the night before in addition to consumption at work), except in relation to any authorised and responsible use of alcohol at workplace social functions.

All employees are expected to comply with the Code of Conduct for Employees at all times. They should carry out their duties in a professional, responsible and conscientious manner and refrain from any conduct (including alcohol abuse or substance misuse) which could adversely affect their personal work performance or the safety and well-being of others.

#### Consume alcohol in company vehicles

Personnel shall not drive a shire vehicle whilst under the influence of drugs or alcohol. Should an accident or incident occur whilst under such influence, the person accepts total liability including all financial and insurance penalties.



Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action including possible termination of employment.

#### 4. Drug Use in a Shire Workplace

Employees who buy, take or sell drugs in any Shire workplace, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.

#### 5. Prescribed and Over the Counter Medications

The Employee must follow the instructions in respect of prescribed or over the counter medications. If the medication affects their ability to perform a task, they must advise their supervisor or manager. Employees taking prescribed or over the counter medication must not commence duties if their doctor or pharmacist indicates that it would not be safe to do so.

- For prescription medication they have a current and valid prescription (or medication packaging with the prescribed person's name clearly printed on the label) for the medication
- The pharmacy or prescribed medication is taken in accordance with the prescribed or recommended dosage.
- The medication was declared prior to the person commencing work and a Medication Declaration completed to supervisor.

The categories of drugs and substances prohibited by the Shire are outlined as per the Australian Standard AS 4308 for drugs of abuse.

#### 6. Consumption of Alcohol on the Premises

Except in situations where the Shire holds or hosts a function within the district and alcohol is provided, employees must not bring in and/or consume alcohol in the workplace. With the approval of the CEO or Executive Manager an employee may be approved to drink alcohol at a work related function.

#### 7. Responsibilities

The Shire considers that the use of alcohol or other drugs is primarily a health issue for individual employees, however, where an employee's performance or conduct affects their health and safety, and/or others in the workplace, the Shire is committed to appropriately managing the issue.

A likely outcome of any breach of this policy will be disciplinary action (up to and including suspension without pay; termination of employment), however the Shire may also manage the issue by:

- Providing appropriate education and training employees;
- Providing professional counselling and support where needed.

#### 8. Managers' Responsibilities – Consumption of Alcohol at Work Sponsored Functions

Team managers shall:

- a) Encourage their staff to make alternative arrangements for transport to and from the function;
- b) Ensure that the following is made available: Low alcohol beer, soft drinks and water – Beverages: tea, coffee and food;
- c) If the manager believes a person may be over the Blood Alcohol Content (BAC) 0.05 limit, assist the person with safe transport home (including contacting a family member or arranging a taxi); and
- d) If the manager has to leave the function early, appoint a delegate to oversee the rest of the function.

#### 9. Drug/Alcohol Treatment Programs

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Shire will provide assistance to the employee -

- a) The Shire will allow an employee to access any accrued personal or annual leave, or leave without pay by agreement of the CEO, while they are undergoing treatment; and

b) The Shire will take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line manager or members of senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or possible termination from employment if the employee is unable to safely carry out the requirements of their role.

#### 10. Pre-Employment Medical Tests

As part of the recruitment selection process, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing. Failure to provide a negative test result may result in their application for employment being unsuccessful.

#### 11. Random Testing

Random testing may also be conducted. Random testing may utilise a variety of methods for randomly selecting names such as software, lottery of selection through coloured marbles in a bag drawn by each employee. The Shire of Chapman Valley may test the entire workforce or certain working groups without cause.

All staff on site must participate in the random selection.

#### 12. Identification of Impairment & Testing

If the Shire has reasonable grounds to believe that an employee is affected by drugs and/or alcohol it will take steps to address the issue.

Reasonable grounds may include (but are not limited to), where an employee's coordination appears affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.

Testing may be carried out as a result of all incidents (including, but not limited to near miss, injury, property damage, and personal altercations).

If the Shire suspects that an employee is under the influence of drugs and/or alcohol it may pursue any or all of the following actions:

- direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
- require that an employee undergo drug and alcohol testing administered by a Shire authorised testing provider (such as Pathwest) at the direction of the Shire;
- direct an employee to go home.

A medical assessment may include a drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 – Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the Shire may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The Shire may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusal to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including suspension without pay; termination of employment.

If it is suspected that a person is attempting to, or tampered, manipulated, substituted, or adulterated an AOD sample, a full investigation will be conducted.

If a person is found to have tampered, manipulated, substituted, or adulterated an AOD sample in any way, by any means, it will be treated as a serious breach and that person will be subjected to appropriate disciplinary action that may include, but is not limited to termination of employment.

The following steps are to be taken where an employee who has submitted to a medical assessment returns a positive test result for alcohol and/or drugs –

- The employee tested and the CEO will be informed of the result;
- A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire.

An employee who returns a positive test will be in breach of this policy. A breach of this policy may result in disciplinary action being taken against the employee up to and including suspension without pay; termination of employment.

### 13. Testing in the event of an accident/incident

The Shire, at the discretion of the CEO or Executive Manager may require an employee to undertake a drug and alcohol test, as described above, in the event of an accident or incident where there is a risk to health and safety.

### 14. Education, Training & Awareness

The Shire may provide education and training to all employees at the workplace about the effects of alcohol and other drugs and their risks to safety and health. Line managers may be given training so that they may identify situations where an employee is potentially misusing alcohol or drugs.

Employees who recognise that they have a drink or drug problem, or that they are a risk of developing one, are encouraged to come forward so that they can be assisted to get the appropriate help.

Contacts at outside agencies where help can be obtained will be made readily available to all employees via the Shire's noticeboards.

The Shire engages the services of an external Employee Assistance Provider who can provide the organisation's people with free and confidential counselling.

### 15. Testing Provider

Drug and alcohol testing may be undertaken by Pathwest Laboratories, Geraldton or another provider if required.

### 16. Consequences of Breaching this Policy

An employee engaged by the Shire who breaches the provisions of this policy may face disciplinary action including suspension without pay and/or possible termination of employment. An employee or worker, once found to have produced a positive confirmatory test result, will be required to undergo three extraordinary drug and/or alcohol tests over six months without notice, not including normal selection for random testing.

### 17. Variation to This Policy

This policy may be cancelled or varied from time to time. All employees will be notified of any variation to this policy.

## **ADDITIONAL EXPLANATORY NOTES:**

## **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

**Adopted – Council Resolution:**

**10/01-9**

**Reviewed/Amended – Council  
Resolution:**

**05/15-23; 06/15-18; 03/17-32; 03/17-32; 2023/06-8**

**Definitions**

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b>Authorised Person</b>	Person authorised by the Shire of Chapman Valley to carry out duties described in this Standard
<b>BAC</b>	Blood Alcohol Concentration
<b>Confirmatory Test</b>	Subsequent test to be undertaken if the screening test returns a positive result.
<b>Contractor</b>	For the purpose of this Policy any reference to a Contractor includes any employee or subcontractor of any company who has been engaged by the Shire to perform services. Contractors will be required to adopt measures that meet the requirements set out in this Standard.
<b>Drug</b>	A chemical substance intended to affect the structure or function of the body or mind.
<b>Individuals</b>	For the purpose of this Policy any reference to an Individual will include (without limitation) all employees, agents, contractors, employees of contractors, job applicants and visitors to any Shire site.
<b>Prescription Drugs</b>	Drugs prescribed by a Medical Practitioner
<b>Screening Test</b>	Initial Urine/Saliva test to determine presence of alcohol or drugs above the designated limit
<b>Visitor</b>	For the purpose of this Standard any reference to a Visitor will include any individual who attends the workplace not considered an employee or contractor.
<b>Workplace</b>	All those areas of the Shire of Chapman Valley Sites, including premises where site personnel work or are likely to be during their hours of work, or any place at which site personnel are likely to be working in the course of carrying out their duties in connection with the site.

## Drugs and Substances

The categories of drugs and substances prohibited by the Shire of Chapman Valley include but are not limited to those listed below.

Alcohol	An employee with a blood alcohol content greater than or equal to <b>0.05% BAC</b> . (0.05% in the 'called back to work' situations Emergency Call-back situation)
Sympathomimetic amines	Amphetamines, methyl amphetamine, methylenedioxy methamphetamine (MDMA), phentermine, including ephedrine and pseudoephed. While not an exhaustive list, consumption of the following substances may trigger a positive drug result under this category: Speed, Ecstasy, Benadryl, Codral, and Sudafed.
Benzodiazepines	Oxazepam, temazepam, flunitrazepam, diazepam, nitrazepam, clonazepam or their metabolites. While not an exhaustive list, consumption of the following substances may trigger a positive drug result under this category: Valium, Serepax, Murelax, Normison and Mogadon
Cannabis metabolites	Tetrahydrocannabinol-9-carboxylic acid (THC).
Cocaine metabolites	Benzoyllecgonine and ecgonine methyl ester.
Opiates	Morphine and codeine. Heroin, Codral, Dymadon, Panadeine Forte and Panadeine.

## CP-018 Bullying

POLICY NO	CP-018
POLICY	BULLYING
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.280
LEGISLATION	OCCUPATIONAL HEALTH & SAFETY ACT, 1984
RELEVANT DELEGATIONS	

### OBJECTIVES:

The Shire seeks to provide all employees with a work environment that is safe, equitable and free of discrimination and harassment.

This includes the prevention and effective management of bullying behaviour in the workplace.

### POLICY STATEMENT/S:

#### Responsibilities of Executive Managers

- Executive Managers will:
- Demonstrate professional and ethical behaviour adhering to the Code of Conduct at all times.
- Inform line managers/supervisors of their duty of care responsibilities under the OSH Act 1984
- Verify that line managers/supervisors implement strategies to prevent and discourage Workplace Bullying and Harassment.
- respond to complaints of bullying if:
- complaints have not been resolved at the workplace level;
- the line manager/supervisor is the subject of the complaint; and/or
- the line manager/supervisor has a conflict of interest.

#### Responsibilities of Line Manager/Supervisors

- Line managers/supervisors will manage bullying behaviour in the workplace by:
- demonstrating professional and ethical behaviour, adhering to the Code of Conduct at all times
- informing employees of relevant legislation, policies and support services related to workplace bullying.
- Ensure all staff attend an Induction process and informing them as required during their employment
- monitoring the workplace for unreasonable and inappropriate conduct that may constitute bullying and addressing any occurrences;
- implementing strategies and reviewing, if necessary, relevant workplace practices to address potential bullying issues;
- responding promptly and appropriately to all issues/allegations
- address any unreasonable or inappropriate conduct of staff and visitors

#### Responsibilities of Employees

*Employees should take reasonable care for their own safety and health at work and avoid adversely affecting the safety or health of any other person through inappropriate behaviour in the workplace.*

- All employees will:
- not place the safety and health of others at risk by engaging in bullying;
- report incidents of workplace bullying
- adhere to the Code of Conduct at all times
- Participate in investigations and complaint resolution processes, and abide by any resolution agreements.

**ADDITIONAL EXPLANATORY NOTES:**

**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

**Adopted – Council Resolution:**

**10/01-9**

**Reviewed/Amended – Council  
Resolution:**

**05/15-23; 06/15-18; 03/17-32; 03/17-32**



## CP-019 Smoking

POLICY NO	CP-019
POLICY	SMOKING
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.140
LEGISLATION	TOBACCO PRODUCTS CONTROL ACT & REGULATION, 2006
RELEVANT DELEGATIONS	NIL

### OBJECTIVES:

To ensure compliance with the *Tobacco Products Control Act & Regulation, 2006* legislation and to recognise the health and wellbeing of the Shire staff and constituents.

### POLICY STATEMENT/S:

Smoking by Shire staff is prohibited at all times in the following areas:

1. All staff work station areas (General Office, Depot etc.),
2. All Shire vehicles; and
3. All other areas as stipulated in the *Tobacco Products Control Act & Regulation, 2006*

### ADDITIONAL EXPLANATORY NOTES:

### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

<b>Adopted – Council Resolution:</b>	<b>10/01-9</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32; 03/17-32</b>

## CP-020 Sexual Harassment

POLICY NO	CP-020
POLICY	SEXUAL HARASSMENT
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.150 & 14.160
LEGISLATION	OCCUPATIONAL HEALTH & SAFETY ACT
RELEVANT DELEGATIONS	NA

### OBJECTIVES:

The Shire strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Shire, has a right to do so in an environment which is free from sexual harassment and the Shire is committed to providing such an environment.

### POLICY STATEMENT/S:

The Shire considers sexual harassment to be an unacceptable form of behaviour, which will not be tolerated and recognises that sexual harassment is unlawful.

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal), which is unwelcome and unsolicited, and rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public:

- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.
- Subtle or explicit demands for sexual activities or molestation.
- Intrusive enquiries into a person's private life.
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
- Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.

The Shire recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. The Shire is therefore committed to any action, which ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Shire will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face-to-face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

A formal complaints/grievance process forms part of this Policy and will be utilised to effectively resolve complaints of sexual harassment.

## **Complaint/Grievance Implementation Process**

### **Introduction**

All complaints of sexual harassment will be treated confidentially and resolved promptly.

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser are victimised.

It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.

### **Implementation Process**

1. A complaint of sexual harassment may be lodged with any of the following person: -

Immediate Supervisor/Manager (except where this person is the alleged harasser)

Divisional Manager (if applicable - except where this person is the alleged harasser)

A Nominated Grievance Officer (if applicable)

Chief Executive Officer

Union Shop Steward

Mayor/President (only if the alleged harasser is the Chief Executive Officer)

2. A person receiving a complaint of sexual harassment will: -

Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.

Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.

Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow-up reports are provided until the matter is resolved.

Ensure no information regarding the complaint is discussed outside this procedure.

In a case where a union shop steward receives the complaint, the divisional manager and/or grievance officer is to be advised of the details of the complaint.

3. The person handling the complaint, whether it is the person who received the complaint or a more senior person, will, with the approval of the complainant: -

As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.

Advise the alleged harasser of the right to contact their Union for advice and representation.

Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.

Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.

4. If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser: -

The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union will be party to the investigation.

All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.

5. During the period of the investigation of a case of serious sexual harassment: -

If requested by either party or by management, alternative working arrangements may be made.

6. If, following investigation and resolution, a complaint is judged to have foundation: -

Appropriate remedial action will be taken including where appropriate disciplinary/counselling action appropriate to the circumstances and/or seriousness of the matter.

A record of the detail of the disciplinary action will remain on the employee's personal file for a period of 12 months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer.

7. If, following investigation, a complaint is judged to have no foundation: -

The complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.

Continued referred to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

#### **ADDITIONAL EXPLANATORY NOTES:**

#### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>10/01-9</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32; 03/17-32</b>

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## CP-023 Standards for CEO Recruitment, Performance & Termination

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POLICY NO	CP-023
POLICY	STANDARDS FOR CEO RECRUITMENT, PERFORMANCE & TERMINATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
LEGISLATION	LOCAL GOVERNMENT ACT 1995; and LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS
RELEVANT DELEGATIONS	NA

### Division 1 — Preliminary provisions

#### 1. Citation

These are the *Shire of Chapman Valley Standards for CEO Recruitment, Performance and Termination*.

#### 2. Terms used

- (1) In these standards —

**Act** means the *Local Government Act 1995*;

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

**applicant** means a person who submits an application to the local government for the position of CEO;

**contract of employment** means the written contract, as referred to in section 5.39 of the Act, which governs the employment of the CEO;

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

**job description form** means the job description form for the position of CEO approved by the local government under clause 5(2);

**local government** means the [insert name of local government];

**selection criteria** means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

**selection panel** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

- (2) Other terms used in these standards, which are also used in the Act, have the same meaning as they have in the Act, unless the contrary intention appears.

### Division 2 — Standards for recruitment of CEOs

#### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

#### 4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —

- (a) if it is proposed the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
- (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

## **5. Determination of selection criteria and approval of job description form**

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government..
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

## **6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

## **7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government they unable to access the website address —
  - (i) email a copy of the job description form to an email address provided by the person; or
  - (ii) mail a copy of the job description form to a postal address provided by the person.

## **8. Establishment of selection panel for employment of CEO**

- (1) In this clause —  
***independent person*** means a person other than any of the following —
  - (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
  - (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

## **9. Recommendation by selection panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

- (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

#### **10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

#### **11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

#### **12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the **negotiated contract**) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.



### **13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —  
**commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
  - (a) upon the expiry of the contract of employment of the person (the **incumbent CEO**) who holds the position of CEO —
    - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether the period commenced before, on or after commencement day; and
    - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether the process was carried out before, on or after commencement day;
  - and
  - (b) the incumbent CEO has notified the local government they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

### **14. Confidentiality of information**

The local government must ensure information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, the recruitment and selection process.

## **Division 3 — Standards for review of performance of CEOs**

### **15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

### **16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

### **17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —



- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
- (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on evidence.

#### **18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

#### **19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

### **Division 4 — Standards for termination of employment of CEOs**

#### **20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

#### **21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

#### **22. Additional principles applying to termination for performance-related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the **performance issues**) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

**23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

**24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

**ADDITIONAL EXPLANATORY NOTES:**

**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>03/21-10</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>2025/05-10</b>

## CP-026 Covid-19 Leave Policy

POLICY NO	CP-026
POLICY	COVID-19 Leave Policy
RESPONSIBLE OFFICER	CEO
PREVIOUS POLICY No.	-
LEGISLATION	National Cabinet Decision 30 September 2022
RELEVANT DELEGATIONS	-

### OBJECTIVES:

The objective of this Policy is to outline the terms and conditions associated with leave related to the COVID-19 pandemic. This policy covers provisions that are in addition to other leave provisions prescribed by the National Employment Standards and the Local Government Industry Award 2020. It also relates to non-paid leave associated with Elected Members.

### SCOPE:

This Policy is intended to supplement and summarise employment conditions contained in awards, legislation and enterprise agreements but not to override them. To ascertain the rights and responsibilities of both the Shire, employees and Elected Members the parties should always refer to the primary documentation, e.g. Local Government Industry Award 2020.

### POLICY STATEMENT/S:

Local Governments still have an obligation to provide a safe and healthy working environment for its employees and Elected Members and ensure others are also not put at risk. Local Governments are encouraged to conduct a safety risk assessment and think about the approach that will be adopted when mandatory isolation ends on 14<sup>th</sup> October 2022. Local Governments should consider implementing or amending an existing policy for managing employees who test positive to COVID-19 whilst meeting any applicable consultation obligations under Work Health and Safety legislation, enterprise/industrial agreements, and the relevant award(s).

## 1. COVID-19 Leave for Staff

### 1.1 Objective

This policy outlines the provision of additional paid leave for employees in response to the COVID-19 pandemic under circumstances where an absence from the usual workplace is unforeseen and the conditions under which it may be taken. It is important that the provision of additional paid leave for employees be considered in conjunction with the following policies:

- CMP-042 Annual Leave
- CMP-054 Working From Home
- CMP-059 Leave without Pay

## 1.2 Policy

### Paid Pandemic Leave Allocation

Full Time and Part Time employees are entitled to up to 5 days COVID-19 leave per annum (38 hours for a Full Time employee, pro rata for part time employees) following an applicable confirmed diagnosis of COVID-19, a positive PCR or Rapid Antigen Test or in the event that they are mandated to quarantine or self-isolate by the WA Department of Health in the case of exposure to a locally transmitted case. Other circumstances related to COVID-19 and the application of this leave may be granted or declined at the CEO's discretion. Each 'day' of COVID-19 leave will be calculated according to the rostered or ordinary hours an employee would have worked on that day.

It is important to note that since the WA Government lifted the Public Health State of Emergency on 4th November 2022, All Covid Pandemic Leave will ONLY be used if existing sick leave is exhausted.

### Mandatory Pandemic Leave

All Full time and Part time employees who test positive to COVID-19 are suggested to self-isolate for a period of at least two (2) days prior to considering to return to work if symptoms are severe enough to physically spread the virus (coughing etc) the employee should be asked to work from home where possible. If it is not possible for the employee to work from home, the Local Government is to consider measures such as asking the employee to wear a mask or physical distance at work (i.e. moving them to duties where they work alone). If an employee works remotely and alone and there is no risk to themselves or others, then the employee could attend work as usual. Deep cleaning practices should be adhered to during this occurrence.

Employees can access the Paid Pandemic Leave Allocation or other leave entitlements if they require more than the 5 days leave allocated per annum or elect not to use the pandemic leave. These include:

- Annual Leave – at half or full pay
- Long Service Leave – at half, full or double pay
- Personal Leave
- Leave without Pay – once all other leave types are exhausted

For New employees with insufficient accrued leave, the CEO be allowed discretion to approve additional leave (provided the Annual Budget allocation is not extinguished).

### Working Arrangements

Working from home is encouraged (within five days of contraction) where it is available and where you feel it is safe to do.

Measures such as asking the employee to wear a mask or physical distance at work (i.e. moving them to duties where they work alone). If an employee works remotely and alone and there is no risk to themselves or others, then the employee could attend work as usual.

The provision of Microsoft Teams and Zoom access is preferred to attending official meetings.

## 1.3 Procedure

a) Employees should read this policy and discuss it with their Line Manager and/or their People and Development representative.

b) The employee requesting COVID-19 leave must submit a leave request through the Payroll officer, and include the required evidence as outlined in 1.2 Policy - Paid Pandemic Leave Allocation.

c) Upon approval, the employee is to remain in contact with their Line Manager to arrange a return to work/work from home timing.

## **2. COVID-19 Leave for Elected Members**

### **2.1 Objective**

This policy outlines the relationship between the Local Government and the Elected Member and the obligation to provide a safe and healthy working environment for its employees and Elected Members and ensure others are also not put at risk. Local Governments are encouraged to conduct a safety risk assessment and think about the approach that will be adopted when mandatory isolation ends on 14<sup>th</sup> October 2022. Local Governments should consider implementing or amending an existing policy for managing employees who test positive to COVID-19 whilst meeting any applicable consultation obligations under Work Health and Safety legislation, enterprise/industrial agreements, and the relevant award(s).

### **2.2 Policy**

#### **Pandemic Leave Allocation**

Elected Members are not considered employees of the Local Government and therefore not eligible for Paid Pandemic Leave.

Following positive test to COVID-19, Elected Member are suggested to self-isolate from Council duties for a period of at least two (2) days prior to considering to return to 'in-person' duties if symptoms are severe enough to physically spread the virus (coughing etc).

#### **Working Arrangements**

Working from home is encouraged (within five days of contraction) where it is available and where it is felt it is safe to do.

Measures such as asking the Elected Member to wear a mask or physical distance during 'in-person' duties.

The provision of Microsoft Teams and Zoom access is preferred to attending official meetings.

### **2.3 Procedure**

a) Elected Members should read this policy and discuss it with the Chief Executive Office and Shire President following a positive test and discuss a 'Return to Normal Duties' plan.

## ADDITIONAL EXPLANATORY NOTES:

### Legislative and Strategic Context

- Local Government Industry Award 2010
- National Employment Standards (NES)

### Review Position and Date

This policy is to be reviewed by the Management Team as required or at the April Policy review to ensure its effectiveness and relevance.

## ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

<b>Adopted – Council Resolution:</b>	<b>11/22-10</b>
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<b>Reviewed/Amended – Council Resolution:</b>	<b>2024/05-13</b>
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## CP-027 Grievance, Investigations and Resolution Policy

POLICY NO	CP-027
POLICY	Grievance, Investigations and Resolution Policy
RESPONSIBLE OFFICER	CEO
PREVIOUS POLICY No.	-
LEGISLATION	Local Government Act 1995
RELEVANT DELEGATIONS	-

### OBJECTIVES:

The objective of this Policy is to outline the impartial internal process associated with genuine grievances or complaints.

### POLICY STATEMENT/S:

All employees have a right to express any genuine grievances or complaints via an impartial internal process. All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Chapman Valley in any capacity.

### EXECUTIVE INSTRUCTION:

#### 1. Application

The Executive Instruction applies to all employees who work at the Shire.

#### 2. Definitions

In this Executive Instruction-

**employee** means:

- paid staff: full time, part time, permanent, casual, volunteers;
- any person performing work for or with the Shire in any capacity.

#### 3. When this Executive Instruction may be used

All grievances other than those concerning the CEO, are to be lodged with the Manager Finance & Corporate Services

All employees have a right to express any genuine grievances or complaints via an impartial internal process. The Shire process, as set out in this Executive Instruction and the Grievances Procedure, provide a mechanism to ensure employees have every opportunity express their grievances related to discrimination, fairness, harassment and bullying.

The purpose of this Executive Instructions to –

- identify and resolve employee grievances at an early stage;
- clearly identify the personnel to whom it is appropriate to direct grievances;
- provide guidelines to employees and managers on their responsibilities and how to apply the grievance resolution procedures; and
- provide employees with alternative contact points to assist them in resolving their grievance.

#### 4. Participant Roles

The following definitions set out the roles that apply to participants in the Grievance process –

##### **a) Complainant –**

An employee who raises a complaint about a matter regarding the workplace.

**b) Respondent –**

An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.

**c) Grievance Officer –**

The MFCS, or CEO if MFCS is not appropriate or available, co-ordinates the procedure to resolve the dispute.

**d) Investigator –**

The Grievance Officer or other appropriate officer or external person selected by the Grievance Officer is to conduct investigations when a formal complaint is made.

**e) Support Person –**

A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.

**f) Witness –**

A person who is requested by the Grievance Officer or Investigator to assist the process by providing relevant information regarding the complaint. This can include other Shire employees.

**5. Making a Complaint**

If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Shire's policies, procedures, or code of conduct, the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion. In some circumstances, the Respondent may be unaware that their behaviour offends the Complainant.

If it is not reasonable or practicable (for example the nature of the complaint is deemed to be serious) the complainant should contact their Manager or Grievance Officer directly.

If the inappropriate behaviour continues, the Complainant is encouraged to make a complaint (verbally or in writing) to their Manager. If their Manager is the Respondent or the employee feels uncomfortable approaching their Manager, the Complainant should approach the Grievance Officer.

This complaint can be verbal or in writing.

A Manager who receives the complaint must contact the Grievance Officer, who is to decide upon the most appropriate way to take the matter forward as set out in the Grievance Procedure.

**6. Key Principles in the Complaint Resolution Process**

The following principles are necessary for the fair investigation and resolution of a complaint:

**a) Confidential –**

Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential;

**b) Impartial (fair/unbiased) –**

Both parties will have an opportunity to put their case forward. No assumptions are made and no action will be taken until available and relevant information has been collected and considered;

**c) Sensitive –**

The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation;

**d) Timely –**

The Shire aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;

**e) Documented –**



All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient;

**f) Natural Justice –**

The principles of natural justice provide that –

- A Respondent has the right to respond to the allegations before any determination is made;
- A Respondent has the right to be told (where possible and appropriate) who made the allegation;
- Anyone involved in the investigation should be unbiased and declare any conflict of interest;
- Decisions must be based on objective considerations and substantiated facts; and
- The Complainant and the Respondent have the right to have a support person present at any meetings where practicable.

**g) Procedural Fairness –**

The principles of procedural fairness provide that –

- A Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- A Respondent is entitled to receive verbal or written communication from the Shire of the potential consequences of given forms of conduct, as applicable to the situation;
- A Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- Any mitigating circumstances presented to the Shire through the grievance process are investigated and considered;
- A Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- Any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- All interviews of witnesses are conducted separately and confidentially.

**7. Outcome of Making a Complaint**

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the Manager of the Respondent may commence a formal or informal performance management process in accordance with the Employee Performance and Development Procedures or elect to discipline the Respondent in accordance with the Disciplinary Action Instruction.

If the complaint involves a breach of a Policy or Instructions, or behaviour that is inconsistent with the employment relationship, the Manager of the Respondent, in consultation with the Grievance Officer, may elect to discipline the Respondent in accordance with the Disciplinary Action Instruction.

**8. Vexatious or Malicious Complaints**

Where a Complainant has deliberately made a vexatious or malicious complaint that Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

**9. Victimisation of Complainant**

A complainant must not be victimised by the Respondent or any other employee of the Shire for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

**10. Variation to This Policy**

This policy may be cancelled or varied from time to time. All the Shire of Chapman Valley's employees will be notified of any variation to this policy by the normal correspondence method.

**ADDITIONAL EXPLANATORY NOTES:**

**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

**Adopted – Council Resolution:**

**2023/06-8**

**Reviewed/Amended – Council  
Resolution:**

## CP-029 Disciplinary Action Policy

POLICY NO	CP-029
POLICY	Disciplinary Action Policy
RESPONSIBLE OFFICER	CEO
PREVIOUS POLICY No.	-
LEGISLATION	-
RELEVANT DELEGATIONS	-

### OBJECTIVES:

The objective of this Policy is to outline internal processes associated with employee behaviour, misconduct or unacceptable performance levels requiring disciplinary action.

### POLICY STATEMENT/S:

#### 1. Commitment

The Shire of Chapman Valley may from time to time consider that issues of employee behaviour, misconduct or unacceptable performance levels require disciplinary action.

The Shire of Chapman Valley is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with Shire of Chapman Valley policies, procedures and guidelines. Any disciplinary procedure will be applied in a consistent, fair and objective manner, and it will be that, where reasonable, employees are given an opportunity and assistance to improve.

#### 2. Authority to take Disciplinary Action

Disciplinary action may only be taken when authorised by the Chief Executive Officer in consultation with the Managers.

#### 3. When the Disciplinary Policy Applies

Some examples of when this policy may be invoked include breaches of Shire of Chapman Valley policy and procedures including, but not limited to:

- Breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or
- Poor performance such as frequently attending work late or producing a poor quality of work; or
- Inappropriate personal behaviour such as theft, discrimination, harassment, bullying or wilfully disobeying a lawful instruction.

#### 4. General Disciplinary Principles

The following principles will apply to any disciplinary action taken

##### **Nature of allegation and investigation**

Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may ensue, in accordance with the Grievances Policy & Procedure.

##### **Right to a support person**

Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of the support person is not to advocate on behalf of anyone, but to simply provide emotional or other support.

### **Confidential**

All parties must keep matters related to a disciplinary process confidential.

### **Fair and impartial**

The Shire of Chapman Valley strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

## **5. Serious Misconduct**

Serious misconduct pursuant to the *Fair Work Regulations 2009 (Cth)* includes, but is not limited to:

- Wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- Conduct that causes serious and imminent risk to:
  - The health and safety of a person' or
  - The reputation, viability or profitability of the Shire of Chapman Valley's organisation;
- The employee, in the course of the employee's employment, engaging in:
  - Theft; or
  - Fraud; or
  - Assault
- The employee being verified, intoxicated at work;
- The employee returning a positive result for drugs, confirmed by a laboratory test; or
- The employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

If an employee engages in serious misconduct, disciplinary action that may be taken includes, but is not limited to, summary dismissal (termination of employment without notice).

## **6. Other Disciplinary Action**

With the exception of serious misconduct, where an employee has engaged in an act or omission which is inconsistent with any of the Shire of Chapman Valley's policies, the employee could be disciplined as follows:

- **Verbal warning** – Where an employee engages in an act or omission which is inconsistent with the Policies, management has the discretion to issue the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee's personnel file.
- **Written warning** – If the employee engages in a more serious act or omissions, or acts in a manner which is inconsistent with the Policies, management has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning.
- **Termination of employment with notice** – In cases other than summary dismissal, an employee's employment may be terminated with notice or payment in lieu of notice provided the Shire of Chapman Valley has a valid reason for terminating the employee's employment and the employee has an opportunity to response to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the Shire of Chapman Valley's discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

## **7. Principles to be Applied**

Where disciplinary action is taken, the principles of procedural fairness must prevail. These principles are expanded on in the Shire of Chapman Valley's Grievances Policy

8. Investigation Procedures for Alleged Misconduct

Investigations into alleged misconduct should follow the processes details in the Shire of Chapman Valley's Grievances Policy.

9. Reporting Obligations

If an officer or employee of the Shire of Chapman Valley has reporting obligations pursuant to the *Corruption and Crime Commission Act 2003 (WA)* and suspects on reasonable grounds that a matter arises which concerns or may concern misconduct, the Corruption and Crime Commission must be notified of that matter as soon as reasonably practicable.

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

10. Variation to this Policy

This policy may be cancelled or varied from time to time. All the organisations employees will be notified of any variation to this policy by the normal correspondence method.

**ADDITIONAL EXPLANATORY NOTES:**

**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>2023/06-8</b>
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<b>Reviewed/Amended – Council Resolution:</b>	
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## CP-030 Gratuity Payment to Finishing Employees

POLICY NO	CP-030
POLICY	Gratuity Payment to Finishing Employees
RESPONSIBLE OFFICER	CEO
PREVIOUS POLICY No.	-
LEGISLATION	-
RELEVANT DELEGATIONS	-

### OBJECTIVES:

To comply with section 5.50(1) of the Local Government Act 1995 and set out the circumstances in which the Shire may pay to an employee whose employment with the Shire is finishing, an amount in addition to any amount which the employee is entitled to under a contract of employment or Award, and the manner of assessment of the additional amount.

### POLICY STATEMENT/S:

This policy outlines the circumstances in which gratuity payments may be made to a finishing employee. These payments, when made, are in addition to any amount that the employee is entitled to under a contract of employment or Award.

The imposition of this parameter does not form a contractual entitlement under employment relationships and as such the Council may choose to modify this position by way of resolution.

Gratuity payments are a way for the Shire to honour and thank employees who have made long term contributions towards the Shire successfully meeting objectives. Council reserves the right to resolve to increase the value of gifts to employees whose commitment and contribution to the community is of an exemplary level. In line with Part (2) of section 5.50 of the Local Government Act 1995, any payment above the amounts specified in this policy must only be made if adopted by Council and will be subject to local public notice.

When an employee's services are ceasing with the Shire, the employee will be entitled to a gratuity as outlined below based on completed years of service. An employee who has been dismissed by the Shire of Chapman Valley for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy.

The Shire's gratuity payments will be in the form of a gift in line with the prescribed amounts below:

Years of Service	Amount of Gratuity
5 to 15 years of continuous service	A gift to the value of \$20 for each year of service
15 to 30 years of continuous service	A gift to the value of \$30 for each year of service
30 + years of continuous service	A gift to the value of \$40 for each year of service

For Council's designated senior employees and the Chief Executive Officer (CEO), the value of any finishing gift will be at the above prescribed amount plus an extra \$20 for each year of service, in recognition of the level of responsibility and influence associated with their role. In recognition of the extra responsibility associated with the CEO position the Shire President may provide a CEO whose

service has been less than 5 years with a gift to the value of \$350 if their performance and contribution to the community has warranted a gift.

For the purpose of this policy, continuous service shall be deemed to include:

- a) Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
- b) Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pay or parental leave.
- c) Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of one year.

For the purpose of this policy, continuous service shall not include:

- a) Any period of unauthorised absence from duty unless the Shire determines otherwise.
- b) Any period of unpaid leave unless the Shire determines otherwise.

No gratuity payment to any employee shall exceed one year's salary or the limits set as per regulations.

The purchasing of gifts to all employees is to be managed by the CEO, gifts for the CEO are to be managed by another Senior Employee in collaboration with the Shire President.

#### **ADDITIONAL EXPLANATORY NOTES:**

#### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>2024/04-8</b>
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<b>Reviewed/Amended – Council Resolution:</b>	
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## Procedures

### CMP-013 Communications & Social Media

MANAGEMENT PROCEDURE No.	CMP-013
MANAGEMENT PROCEDURE	COMMUNICATIONS & SOCIAL MEDIA
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NIL
RELEVANT DELEGATIONS	NIL

#### OBJECTIVES:

This procedure establishes protocols for the Shire of Chapman Valley's official communications with our community to ensure the Shire of Chapman Valley is professionally and accurately represented and to maximise a positive public perception of the Shire of Chapman Valley.

#### MANAGEMENT PROCEDURE STATEMENT

This procedure applies to:

1. Communications initiated or responded to by the Shire of Chapman Valley with our community; and
2. Elected Members when making comment in either their Shire of Chapman Valley role or in a personal capacity.

#### ADDITIONAL EXPLANATORY NOTES

Official Communications

**The purposes of the Shire of Chapman Valley's official communications include:**

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the Community.
- Promoting Shire of Chapman Valley events and services.
- Promoting Public Notices and community consultation/engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire of Chapman Valley.
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire of Chapman Valley's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Shire. Our communications will always be respectful and professional.

The Shire of Chapman Valley will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases prepared for the President, to promote specific Shire of Chapman Valley positions;
- Social media; and
- Community newsletters, letter drops and other modes of communications undertaken by the Shire of Chapman Valley's Administration at the discretion of the CEO. On behalf of the Shire of Chapman Valley



The Shire President is the official spokesperson for the Shire of Chapman Valley and may represent the Shire of Chapman Valley in official communications, including; speeches, comment, print, electronic and social media. [ s.2.8(1)(d) of the Local Government Act 1995]

Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson. [s.2.9 and s.5.34 of the Local Government Act 1995]

The CEO may speak on behalf of the Shire of Chapman Valley, where authorised to do so by the Shire President. [s.5.41(f) of the Local Government Act 1995]

The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the CEO if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until the Shire President has had opportunity to speak on behalf of the Shire of Chapman Valley.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the Shire of Chapman Valley into disrepute,
- compromise the person's effectiveness in their role with the Shire of Chapman Valley,
- imply the Shire of Chapman Valley's endorsement of personal views, or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Chapman Valley.

Elected member communications must comply with the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

All enquiries from the Media for an official Shire of Chapman Valley comment, whether made to an individual Elected Member or Employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Shire President or CEO (where authorised) to make an official response on behalf of the Shire of Chapman Valley.

Elected Members may make comments to the media in a personal capacity – refer to clause **Elected Member Statements** on Shire Matters below.

The Shire of Chapman Valley will maintain an official website, as our community's on-line resource to access to the Shire of Chapman Valley's official communications.

The Shire of Chapman Valley uses Social Media to facilitate interactive information sharing and to provide responsive feedback to our community. Social Media will not however, be used by the Shire of Chapman Valley to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Shire of Chapman Valley maintains the following Social Media accounts:

- Social networks, may include - Website, Facebook, Twitter, You Tube, WhatsApp

The Shire of Chapman Valley may also post and contribute to Social Media hosted by others, to ensure that the Shire of Chapman Valley's strategic objectives are appropriately represented and promoted.

The Shire of Chapman Valley actively seeks ideas, questions and feedback from our community; however, we expect participants to behave in a respectful manner. The Shire of Chapman Valley will moderate its Social Media accounts to address and where necessary delete content which is deemed as:

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;

- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire of Chapman Valley.

Where a third-party contributor to a Shire of Chapman Valley's social media account is identified as posting content which is deleted in accordance with the above, the Shire of Chapman Valley may at its complete discretion block that contributor for a specific period or permanently.

#### Shire President / Mayoral Social Media Official Accounts

The Shire of Chapman Valley supports the Shire President in using official social media account/s to assist the Shire President in fulfilling their role under section 2.8 of the *Local Government Act*, to speak on behalf of the Local Government. The content will be administered and moderated in accordance with this procedure.

These official Shire of Chapman Valley accounts must not be used by the Shire President for personal communications.

#### Use of Social Media in Emergency Management and Response

The Shire of Chapman Valley may use the following channels to communicate and advise our community regarding Emergency Management:

Website;  
Facebook;  
Whatsapp;  
Twitter;  
You Tube

Official communications undertaken on behalf of the Shire of Chapman Valley, including on the Shire of Chapman Valley's Social Media accounts and third party social media accounts must be created and retained as local government records in accordance with the Shire of Chapman Valley's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.

Personal communications and statements made privately in conversation, written, recorded email or posted in personal social media have the potential to be made public, whether it was intended to be made public or not.

Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Elected Members must ensure that their personal or private communications do not breach the requirements of this procedure, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

#### Elected Member Statements on Shire Matters

An Elected Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Chapman Valley.

Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire of Chapman Valley;
2. Be made with reasonable care and diligence;
3. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
4. Be factually correct;
5. Avoid damage to the reputation of the local government;
6. Not reflect adversely on a decision of the Council;

7. Not reflect adversely on the character or actions of another Elected Member or Employee;
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions about any Elected Member, Employee or community member.

An Elected Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this procedure, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a serious breach of the *Local Government Act 1995* and may be referred for investigation.

#### ADDITIONAL EXPLANATORY NOTES:

#### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

<b>Adopted – Council Resolution:</b>	<b>07/18-10</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>2024/04-8</b>

## CMP-026 Code of Conduct - Employees and Contractors

MANAGEMENT PROCEDURE No.	CMP-026
MANAGEMENT PROCEDURE	CODE OF CONDUCT – EMPLOYEES AND CONTRACTORS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	6.90
RELEVANT DELEGATIONS	

### PREAMBLE

This Code of Conduct provides employees and contractors in the Shire of Chapman Valley with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code is complementary to the principles adopted in the *Local Government Act* and regulations which incorporates four fundamental aims to result in:-

- (a) better decision-making by the Shire of Chapman Valley;
- (b) greater community participation in the decisions and affairs of the Shire of Chapman Valley;
- (c) greater accountability of the Shire of Chapman Valley to their communities; and
- (d) more efficient and effective Local Government.

This Code provides a guide and a basis of expectations for employees and contractors. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

### STATUTORY ENVIRONMENT

This Code of Conduct observes statutory requirements of the *Local Government Regulations Amendment (Employee Coded of Conduct) Regulations 2021*.

Employees are to acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with *Local Government Regulations Amendment (Employee Coded of Conduct) Regulations 2021*.

Contractors acknowledge they are subject to the provisions of the Code upon being engaged as a contractor and whilst they remain as a contractor for the Shire of Chapman Valley.

## 1. ROLES & RESPONSIBILITIES

### 1.1 Role of the CEO and Employees

The CEO is appointed by Council and is the communication link between Councillors and employees.

All other Council employees are responsible to the CEO.

The CEO is responsible to the Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Council.

The role of employees is determined by the functions of the CEO as set out in S 5.41 of the *Local Government Act 1995*: -

*“The CEO’s functions are to —*

- (a) advise the council in relation to the functions of a Local Government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the Local Government;*
- (e) liaise with the mayor or president on the Local Government affairs and the performance of the Local Government functions;*
- (f) speak on behalf of the Local Government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the Local Government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the Local Government or imposed under this Act or any other written law as a function to be performed by the CEO.”*

## **2. CONFLICT AND DISCLOSURE OF INTEREST**

### **2.1 Conflict of Interest**

- (a) Employees and contractors will ensure there is no actual (or perceived) conflict of interest between their personal interests, including those of their immediate family, business partners or close associates, and the impartial fulfillment of their professional duties.
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Chapman Valley, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Chapman Valley area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised such convictions cannot be a basis for discrimination and this is supported by anti- discriminatory legislation.

## **2.2 Financial Interest**

Employees will adopt the principles of disclosure of financial interest as contained within sections 5.59 – 5.90 of the Local Government Act 1995

## **2.3 Disclosure of Interest – Impartiality - Employees**

*In this clause “interest” means an interest which could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

- (a) An employee who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter –
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- (b) A requirement described under items (a) and (b) excludes an interest referred to in S 5.60 of the *Local Government Act 1995*.
- (d) A person who is an employee is excused from a requirement made under item (a) to disclose the nature of an interest if -
  - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of this kind.
- (e) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then –
  - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
  - (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
  - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting,the nature of the interest is to be recorded in the minutes of the meeting.

## **3. PERSONAL BENEFIT**

### **3.1 Use of Confidential Information (Rules of Conduct – Reg 6 refers)**

Employees and contractors will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

### **3.2 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Chapman Valley upon its creation unless otherwise agreed by separate contract.

### **3.3 Improper or Undue Influence**

Employees will not take advantage of their position to improperly influence other Councillors or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Similarly, employees and contractors will not take advantage of their position to the detriment of Council, the Shire or other persons.

### **3.4 Gifts (LGA s5.82)**

All employees must declare:

- (a) A gift worth above \$300.
- (b) A gift which is one or two or more gifts given to the employee by the same person within a period of six (6) months which are in total worth of \$300.
- (c) Gifts worth \$300 or more are 'prohibited gifts' and simply cannot be accepted.

A gift includes:

*"any disposition of property, or conferral of any other financial benefit, made by one person in favour of another otherwise than by will, without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel".*

Employees do not have to declare a notifiable gift if it is:

- (a) Less than \$300.
- (b) Received from a relative as defined by 5.74(1) of the Local Government Act 1995.
- (d) A gift from a statutory authority, government instrumentality or non-profit association for professional training.

## **4. CONDUCT OF EMPLOYEES AND CONTRACTORS**

### **4.1 Personal Behaviour**

(a) Employees and contractors will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (ii) perform their duties impartially and in the best interests of the Shire of Chapman Valley uninfluenced by fear or favour;
- (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Chapman Valley and its communities and shall be particularly mindful to avoid interference in commercial relationships between developers and objectors or between developers competing for the right to develop.



- (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (v) always act in accordance with their obligation of fidelity to the Shire of Chapman Valley and not publicly reflect adversely upon any decision of the Council or Council's management.

## **4.2 Honesty and Integrity**

Employees and contractors will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other employee, and in the case of a contractor to the employee who is responsible for overseeing their activities.
- (c) be frank and honest in their official dealing with each other.
- (d) Endeavour to resolve serious conflict through initial discussion facilitated by the CEO or, in the event the CEO is too closely involved, an independent impartial person or peer group.

## **4.3 Discrimination**

Employees and contractors are required to treat each other and members of the community with respect and observe the requirements of Discrimination and Equal Opportunity legislation by:

- (a) Ensuring the workplace is free from any form of discrimination.
- (b) Applying the philosophy and principles of EEO at all levels of the organisation.
- (c) Ensuring they do not engage in unlawful harassment or bullying in the workplace.

## **4.4 Performance of Duties**

While on duty, employees will give their whole time and attention to the Shire of Chapman Valley's business and ensure their work is carried out efficiently, economically and effectively, and their standard of work reflects favourably both on them and on the Shire of Chapman Valley.

## **4.5 Compliance with Lawful Orders**

- (a) Employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Employees will give effect to the lawful policies of the Shire of Chapman Valley, whether or not they agree with or approve of them.

## **4.6 Administrative and Management Practices**

Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

## **4.7 Corporate Obligations**

- (a) Standard of Dress



Employees are expected to comply with neat and responsible dress standards at all times. Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.

**(b) Communication and Public Relations**

- (i) All aspects of communication by employees (including verbal, written or personal), involving Shire of Chapman Valley's activities should reflect the standards and objectives of the Shire of Chapman Valley. Communications should be accurate, polite and professional.
- (ii) Statements to the press on behalf of the Shire will only be made by the President or the CEO, or unless the President directs otherwise.

It shall be incumbent on employees when referring a member of the community to their local Councillor over issues the officer cannot resolve due to current Council policy, the officer notify the Councillors of the referral and any information which may assist in resolving the issue.

## **5. DEALING WITH COUNCIL PROPERTY**

### **5.1 Use of Shire of Chapman Valley Resources**

Employees and contractors will:

- (a) be scrupulously honest in their use of the Shire of Chapman Valley's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Shire of Chapman Valley resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Shire of Chapman Valley's resources (including the services of Council employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised by the Chief executive officer to do so within Policy/Procedure conditions, and appropriate payments are made (if required and as determined by the Chief Executive Officer).
- (d) Not use Council vehicles for private use unless authorised to do so within Policy/Procedures and as authorised by the Chief Executive Officer or as stipulated in Employee Contractual arrangements.
- (e) Foster an awareness of the community's ownership of the Shires natural and built environment

### **5.2 Travelling and Sustenance Expenses**

Employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Shire of Chapman Valley in accordance with Councils policy/procedures and the provisions of the *Local Government Act 1995*.

### **5.3 Access to Information**

Employees will ensure Councillors are given access to all practical and relevant information necessary for them to properly perform their functions and comply with their responsibilities.

### **5.4 Freedom of Information**

Employees and contractors acknowledge:

- (a) The *Freedom of Information Act 1992* (FOI Act) was introduced to facilitate public access to documents and an application can be made seeking access to any information held by the Shire of Chapman Valley
- (b) An object of the FOI Act is to 'make the persons and bodies responsible for State and local government more accountable to the public'.
- (c) They are obligated to assist the Shire's CEO and the Shire's Freedom of Information officers in locating documents relevant to an application made under the FOI Act.

## **6. BREACHES AND MISCONDUCT**

Complaints regarding a breach of this Code or of misconduct will be dealt with quickly and fairly in accordance with the principles of procedural fairness and natural justice.

### **6.1 Employees and Contractors**

A complaint alleging an employee or contractor has breached this Code shall be made in writing. Complaints regarding:

- (a) An employee are to be made to the Chief Executive Officer or in the case of a contractor to the employee who is responsible for overseeing their activities.
- (b) The Chief Executive Officer is to be made to the President. The complaint will be investigated in a manner which is in accordance with the Shires Complaint Handling Procedure, Public Interest Disclosure Procedures and the principles of natural justice.

### **6.2 Misconduct**

For the purposes of this Code, misconduct is defined in accordance with section 4 of the *Corruption, Crime and Misconduct Act 2003*.

The Chief Executive Officer has a statutory obligation to report to the Corruption and Crime Commission allegations of suspected serious misconduct.

Allegations of suspected minor misconduct are dealt with by the Public Sector Commission.

### **6.3 Public Interest Disclosure**

The Shire follows the standard public interest disclosure procedure which provides confidential mechanisms for reporting and investigating misconduct allegations or improper conduct and other public interest information in accordance with the *Public Interest Disclosure Act 2003*.

#### **ADDITIONAL EXPLANATORY NOTES:**

#### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>10/01-9</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23, 06/15-18; 03/17-32;02/21-02</b>

## CMP-042 Annual Leave

MANAGEMENT PROCEDURE No.	CMP-042
MANAGEMENT PROCEDURE	ANNUAL LEAVE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.10
RELEVANT DELEGATIONS	1008

### OBJECTIVES:

To attempt in minimising the effect of annual leave clearance by staff, whilst ensuring all Award and legislative requirements, along with the welfare of staff are taken into consideration.

### MANAGEMENT PROCEDURE STATEMENT/S:

#### Road Works Crew

Annual Leave – Unless otherwise determined by the Chief Executive Officer annual leave will be cleared as follows:

- Two weeks in December/January each year as a Christmas close down period.
- Two weeks during the calendar year under an agreed roster set at the beginning of the year, bearing in mind that not more than one employee will be rostered off for leave at any one time and the avoidance of peak road works periods.
- Alterations to the roster must be by mutual arrangement between respective staff member(s), Works Supervisor and CEO.
- Clearance of other leave (e.g. Military, LSL, etc) will also be taken into consideration when setting the Annual Leave roster to ensure staff numbers are not depleted to a level that may be detrimental to the organization.
- All staff are to have cleared their full four-week entitlement by the end of the calendar year (including the December/January Christmas close down period). If staff member(s) has not cleared their full entitlement by this time they are to clear all accrued leave during December/January.
- Clearing the two weeks Annual leave during the calendar year will be way of a maximum of two weeks and a minimum of one week only.
- Commencement of the above Annual Leave Operational Procedures will be immediate, depending on accrued leave entitlement of individual staff and an agreed roster being finalised.

#### All Other Staff

All annual leave must be taken before the next annual leave becomes due; however, with Chief Executive Officer's permission may be accumulated for no more than two years at any one time.

### ADDITIONAL EXPLANATORY NOTES:

### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

Adopted – Council Resolution:	10/01-9
Reviewed/Amended – Council Resolution:	05/15-23, 06/15-18; 03/17-32

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## CMP-043 Hours of Work

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MANAGEMENT PROCEDURE No.	CMP-043
MANAGEMENT PROCEDURE	HOURS OF WORK
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.40
RELEVANT DELEGATIONS	

### OBJECTIVES:

To determine hours of work for Shire staff

### MANAGEMENT PROCEDURE STATEMENT:

#### ADMINISTRATION STAFF

The Shire shall adopt working hours between the range of 8.00am to 5.00pm with a half of an hour for lunch for Local Government Industry Award 2010 staff, Managers and Chief Executive Officer. The Chief Executive Officer may amend these arrangements at his/her discretion under the condition core office opened hours are retained (e.g. Spread of Hours, Home Based Works, Roster Days Off arrangements).

The Chief Executive Office is to determine the Annual Christmas/New Year close down period of the administration office with staff clearing accrued leave on days of absence which are considered normal workdays and not Public Holidays

#### ROADWORKS STAFF

The Shire adopt core working hours between the range of 7.00am to 4.30pm with half an hour for lunch. This is based on a 9-work day/2 week period subject to the RDO's being flexible if and when the occasion arises. These arrangements may be amended at the Chief Executive Officer's discretion.

### ADDITIONAL EXPLANATORY NOTES:

The Annual Christmas/New Year close down period of the administration office should include the Christmas and New Year Public Holidays and the normal working days between these two periods.

The Chief Executive Officer is to determine what level of emergency staff and contact details are required during this close down period.

### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

<b>Adopted – Council Resolution:</b>	<b>10/01-9</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32; 10/15-8; 07/19-4; 03/21-10</b>

## CMP-044 Motor Vehicle – Usage of

MANAGEMENT PROCEDURE No.	CMP-044
MANAGEMENT PROCEDURE	MOTOR VEHICLES – USAGE OF
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.50
RELEVANT DELEGATIONS	2001

### OBJECTIVES:

To stipulate conditions for the use of Shire vehicles

### MANAGEMENT PROCEDURE STATEMENT/S:

#### PRIVATE USE OF SHIRE LIGHT VEHICLES

Unless as otherwise determine in Employee Contracts conditions the Chief Executive Officer is authorised to determine private use of the Shire's light vehicles by staff.

#### CARE OF VEHICLES

As a general condition all staff with a vehicle in their care are required to clean the vehicle regularly and garage it in a secure place.

#### COMMUTER USE

The Chief Executive Officer shall be authorised to allow temporary commuter use of vehicle.

Commuter use being use of a motor vehicle to and from a place of residence to work during the absence of any of the abovementioned officers, or when considered necessary in the interests of the Shire's operations

### ADDITIONAL EXPLANATORY NOTES:

All private usage of shire vehicles is subject to Fringe Benefit Tax

### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

<b>Adopted – Council Resolution:</b>	<b>10/01-9</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>06/02-8; 10/02-13; 07/04-5; 05/05-2; 05/15-23; 06/15-18; 03/17-32; 03/21-10</b>

## CMP-049 Personal Phone Usage

MANAGEMENT PROCEDURE No.	CMP-049
MANAGEMENT PROCEDURE	PERSONAL TELEPHONE USAGE
RESPONSIBLE OFFICER	MANAGER FINANCE & CORPORATE SERVICES
PREVIOUS POLICY No.	14.110
RELEVANT DELEGATIONS	

### OBJECTIVES:

To control private usage of Shire telephones

### MANAGEMENT PROCEDURE STATEMENT:

#### Office Telephones

The use of office telephones to make private calls is not prohibited; however, such calls should be kept to a minimum and for emergency purposes only, or as otherwise approved by the CEO (or DCEO in the CEO's absence).

#### Mobile Phones

Staff Position	Private Use of Mobile Phone	Conditions
Chief Executive Officer	Y	The Local Government to provide for business and personal use of the officer a mobile telephone with all calls, rental and service charges paid for.  Strictly no use when overseas.
Deputy Chief Executive Officer	Y	
Manager Works & Services	Y	Staff may make private calls subject to the use being monitored by the Manager Finance & Corporate Services with excessive use (as determined by the CEO) for private calls to be reimbursed by the staff member to the Shire.  Strictly no use when overseas
Building Surveyor/Projects	Y	
Works Leading Hand	Y	
Senior Ranger	Y	
Community Development Officer	N	No Private Use allowed.
Plant Operators - Construction & Maintenance	N	No Private Use allowed.

### ADDITIONAL EXPLANATORY NOTES:

### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

Adopted – Council Resolution:	10/01-9
Reviewed/Amended – Council Resolution:	05/15-23; 06/15-18; 03/17-32; 06/19-15; 07/19-4

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**CMP-052 Uniform Subsidy – Administration Staff**

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<b>MANAGEMENT PROCEDURE No.</b>	CMP-052
<b>MANAGEMENT PROCEDURE</b>	UNIFORM SUBSIDY – ADMINISTRATION STAFF
<b>RESPONSIBLE OFFICER</b>	MANAGER FINANCE & CORPORATE SERVICES
<b>PREVIOUS POLICY No.</b>	14.190
<b>RELEVANT DELEGATIONS</b>	

**OBJECTIVES:**

To stipulate the level and conditions of providing staff uniforms.

**MANAGEMENT PROCEDURE STATEMENT/S:**

The Shire's annual contribution to administration staff uniforms will be in accordance with each individual employment contract.

All new staff members are required to successfully complete the probationary period prior to the issue of any uniforms, at which time 50 % of the annual endorsed budget allocation per staff member may be expensed at the completion of the probationary period and the remaining 50% after successfully completing six months service

**ADDITIONAL EXPLANATORY NOTES:****ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	10/01-9
<b>Reviewed/Amended – Council Resolution:</b>	05/15-23; 06/15-18; 03/17-32

## CMP-053 Staff Attraction, Incentive & Retention Allowances & Conditions

<b>MANAGEMENT PROCEDURE No.</b>	CMP-053
<b>MANAGEMENT PROCEDURE</b>	STAFF ATTRACTION, INCENTIVE & RETENTION ALLOWANCES & CONDITIONS
<b>RESPONSIBLE OFFICER</b>	MANAGER FINANCE & CORPORATE SERVICES
<b>PREVIOUS POLICY No.</b>	14.220 / 14.219
<b>RELEVANT DELEGATIONS</b>	

### **OBJECTIVES:**

To set the level of Staff Attraction/Incentive/Retention Allowances & Conditions which are in addition to National Employment Standards and Award requirements.

### **MANAGEMENT PROCEDURE STATEMENT/S:**

All Staff Attraction/Incentive/Retention Allowances & Conditions are based on a fulltime employee (i.e. 1976 ordinary hours per annum) receiving the full entitlement and all part time employees receiving a reduced pro-rata allowance or entitlement based on the number of hours worked. Allowances will be paid fortnightly.

Staff Attraction/Incentive/Retention Allowances & Conditions will be reviewed as required by Council for consideration in forthcoming Draft Budgets.

The Shire's adopted Budget will determine all Staff Attraction/Incentive/Retention Allowances & Conditions to be paid to and/or offered to staff each financial year

#### **Annual Incentive Allowance (formally known as “Staff Housing Allowance”)**

An annual amount set by Council as part of the annual budget cycle (paid fortnightly) in full for full time employees (1967 hours pa) and reduced on a pro-rata basis for part time employees.

#### **Days in Lieu**

Subject to the terms of this Procedure, each employee who is scheduled to work on the working day after the New Year's Day holiday and Easter Tuesday each year or is on paid leave shall become entitled to a day's paid absence in lieu for each of the days.

On the working day after the New Year's Day holiday and Easter Tuesday each year an employee who is scheduled to work those days or is on paid leave shall become entitled to a day's paid absence in lieu for each of days.

Further, an employee who works a roster and is on a rostered day off on either the working day after the New Year's Day holiday or Easter Tuesday shall also be entitled to a day's paid absence in lieu of each of the days.

The days in lieu are to be taken in the year in which they fall due and at the convenience of the employer. The employer may elect to allow employees to accrue the days in lieu.

It is at the discretion of the Local Government whether employees are required to work on the actual days in lieu.

### **VARIATION TO PROCEDURE**

This Procedure may be varied or cancelled at the discretion of Chief Executive Officer.



All employees will be notified by the normal correspondence method of any variation or cancellation to this Procedure. It is the responsibility of all employees to read this Procedure prior to applying for leave.

**ADDITIONAL EXPLANATORY NOTES:**

**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>10/01-9</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32; 07/16-17; 03/21-10</b>

## CMP-054 Working From Home

MANAGEMENT PROCEDURE No.	CMP-054
MANAGEMENT PROCEDURE	WORKING FROM HOME
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.240
RELEVANT DELEGATIONS	

### OBJECTIVES:

The Shire of Chapman Valley (Local Government) is committed to providing flexible and family friendly working arrangements for employees. This procedure outlines the circumstances in which a working from home arrangement is appropriate and provides guidelines to facilitate the management of such an arrangement.

This procedure applies to permanent employees of the Local Government seeking to enter into a regular arrangement to carry out part of his/her duties from home, for a specified period of time or in exceptional circumstances, permanently.

### MANAGEMENT PROCEDURE STATEMENT/S:

For the purpose of this procedure 'working from home' means working away from an employee's ordinary contracted place of employment. A 'home office' means a designated space for an employee to work while away from the workplace.

In order to ensure the safety and wellbeing of our employees, and to ensure the arrangement is consistent with the Local Government's requirements, an interested employee must apply for a Working from Home Arrangement (WFHA). All applications are considered on a case-by-case basis by the Manager for subsequent consideration and approval by the Chief Executive Officer. The Manager and employee are responsible for demonstrating the requirements of this procedure have been satisfied before an application for a WFHA is approved. The Chief Executive Officer may refuse an application for a WFHA where it is not suitable or it does not meet operational requirements.

### Eligibility criteria

The Local Government's responsibility to consider flexible working arrangements is in accordance with the Local Government Industry Award 2010 and the National Employment Standards in the Fair Work Act 2009.

Applications to work from home will be assessed according to the following criteria:

- Suitability of the employee's work to be performed off-site
- The employee being able to demonstrate efficiency will be maintained or increased as a result of the WFHA
- The reasons for the employee wanting to work from home
- Ability of the employee to complete work within the employee's agreed span of hours as detailed in their employment contract and the Local Government Industry Award 2010
- The presence of the skills, ability and knowledge to work autonomously
- The impact the arrangement may have on the productivity of co-workers
- The impact the arrangement may have on service delivery and customer service
- Proposed methods for engaging with the employee and assessing their productivity and effectiveness

- The employee having a suitable home office and access to necessary equipment, internet and IT systems to enable the employee to effectively work from home

### **Line Manager responsibilities**

Where a WFHA has been approved, it is the responsibility of an employee's manager to:

- ensure the employee is working in accordance with their WFHA and adhering to the Local Government's policies and procedures
- ensure the employee has completed a risk assessment of their home office and other relevant areas, for example bathroom, kitchen and facilitate the Local Government to conduct safety inspections
- review and sign off on records of hours worked (timesheets) as required
- monitor and review the WFHA on a regular basis to ensure it is meeting the needs of the Local Government and the employee
- communicate regularly and ensure employees working from home are included in team meetings and receive all necessary information to undertake their work
- where practicable, ensure equipment and tools required to perform the tasks are provided to the employee, and
- accurately document the ownership and usage arrangements of the equipment and assets.

### **Employee responsibilities**

Where an employee's application to work from home has been approved, it is the employee's responsibility to ensure they:

- adhere to the Local Government's policies and procedures
- maintain regular contact with their respective Line Manager and colleagues, and be contactable during their agreed hours of work
- meet fitness for work requirements. If an employee is unwell, injured or unable to work due to other reasons, then the employee must submit a request for leave
- take all reasonable steps to establish a safe working environment and report any health, safety and wellbeing hazards, near misses and incidents
- maintain accurate and up to date records of hours worked at home within the normal span of hours
- allow a person, appointed by the Local Government, to access their home office and related areas to allow a safety inspection as required, and
- take all reasonable precautions necessary to secure the Local Government's equipment.

### **Working from home arrangement agreement**

An employee's terms and conditions of employment remain the same when working from home. This includes hours of work, remuneration and the requirement to perform their role effectively and efficiently, and to act in the best interests of the Local Government. Any variation to hours of work, availability and expectations associated with implementing a WFHA must be documented in a working from home agreement.

WFHAs will be reviewed on a regular basis to ensure they are operating effectively and meeting the requirements of the Local Government. As part of the review process, concerns with the WFHA may be addressed or if the WFHA is unsuccessful, the agreement may be terminated.

### **Consequences of breaching this policy**

This procedure constitutes a lawful instruction to employees. Any breach of this procedure may lead to disciplinary action including, but not limited to, termination of employment.

### **Variation to this policy**

This policy may be cancelled or varied from time to time. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

### **Related Documents**

- Shire of Chapman Valley Staff Code of Conduct
- Relevant Shire Policies & Procedures
- Local Government Industry Award 2010 and
- National Employment Standards in the Fair Work Act 2009

### **ADDITIONAL EXPLANATORY NOTES:**

### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>09/04-10</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32; 03/21-10</b>

**WORKING FROM HOME ARRANGEMENT (WFHA)****EMPLOYEE DETAILS**

<b>Employee name:</b>	
<b>Position:</b>	
<b>Department:</b>	
<b>Employment status (full-time or part-time):</b>	
<b>Office location:</b>	
<b>Address of WFHA site:</b>	
<b>Email address:</b>	
<b>Mobile phone number:</b>	

**WORKING FROM HOME ARRANGEMENT**

<b>Days of work:</b>	
<b>Hours of work:</b>	
<b>Start and finish times or span of hours:</b>	
<b>Declared workspace (description of work area):</b>	
<b>Commencement date:</b>	
<b>Review date:</b>	
<b>End date:</b>	

**WORKING FROM HOME ARRANGEMENT  
OCCUPATIONAL SAFETY AND HEALTH CHECKLIST**

Is the workspace free of potential hazards that could cause physical harm (for example frayed wires, bare conductors, loose wires, exposed wires to the ceiling, frayed or torn carpeting seams or uneven floor surfaces)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are chairs sturdy with no loose casters/wheels?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are the electrical cords and extension wires secured?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Is the office space neat, clean, and free of obstructions and excessive amounts of combustibles?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do the desk, chair, computer and peripherals meet ergonomic requirements?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is there enough light for reading?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is there adequate ventilation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is there a working ( <i>test</i> ) smoke detector within hearing distance of the workspace?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the noise level of the area acceptable to avoid distraction from task concentration?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you have been issued Local Government equipment, have you been briefed on the care of the equipment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

### GENERAL REQUIREMENTS

- The Manager and the employee must agree to a communication strategy to ensure the employee is contactable during work hours and involved in their usual work activities and projects.
- An employee's terms and conditions of employment remain the same when working from home and all work governing documents will continue to apply. This includes the employee's employment contract, the Code of Conduct, the Local Government's policies and procedures, and any other document that may be relevant.
- The employee agrees to ensure their productivity is maintained or improved while working from home.
- The employee agrees to keep accurate and current records of hours worked at home.
- The hours worked by the employee will be within the normal span of hours and as documented in this agreement.
- The employee may only undertake overtime with the prior written approval of the Manager.
- The employee still needs to apply for leave as required.
- The employee is to ensure that adequate arrangements are in place for any caring responsibilities while the employee is working from home.
- The employee understands they are responsible for their commitment to work, health and safety and will advise the Local Government of any support or assistance required.
- The employee must take all reasonable precautions to ensure the Local Government's equipment and documents are kept secure, private and confidential.

- The Local Government may terminate the working from agreement at any time and for any reason, with one week's notice.

### EMPLOYEE DECLARATION

I, \_\_\_\_\_, understand the importance of this Working From Home Agreement, agree to comply with the General Requirements outlined above and undertake that the information I have provided is accurate and current. Should any of the information provided by me change, I will notify the Local Government as soon as possible.

I understand that on return to the workplace, any equipment issued will be returned to the Local Government in the same condition in which it was issued.

**Employee's signature:** \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**Date:**

### APPROVAL

As the employee's Manager, I agree to the terms and conditions of this Working From Home Agreement.

**Manager's name:** \_\_\_\_\_

**Manager's signature:** \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**Date:**

As the CEO, I agree to the terms and conditions of this Working From Home Agreement.

**CEO's name:** \_\_\_\_\_

**CEO's signature:** \_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**Date:**

*A copy of this Agreement is to be given to the employee and placed on the employee's personnel file.*

## CMP-056 Education & Study Assistance

MANAGEMENT PROCEDURE No.	CMP-056
MANAGEMENT PROCEDURE	EDUCATION AND STUDY ASSISTANCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.250
RELEVANT DELEGATIONS	

### OBJECTIVES:

#### PROCEDURE OBJECTIVE

The intention is to adopt both this Operational Procedure and the LGIA conditions.

#### PURPOSE

Employees may be assisted to undertake courses of study at tertiary education institutions such as universities, technical colleges, accredited Local Governments and private companies.

The pre-requisites for assistance are:

- that the course(s) complement the Local Government's goals and strategies; and
- are relevant to the work of the employee.

#### OBJECTIVE

To encourage employees to pursue studies relevant to their positions and to the Local Government.

### MANAGEMENT PROCEDURE STATEMENT/S:

#### PROCEDURE

##### *Eligibility for Assistance*

To be considered for assistance employees need to satisfy the following criteria:

- a. Approved courses shall be such that they will improve employees' qualifications and be appropriate to their current classification or advancement.
- b. Employment must be of a continuing nature.
- c. The subjects involved shall not be repeat subjects. Repeated subjects must normally be completed in own time, although submissions for time off for repeated subjects without pay or with such time to be made up, will be considered on merit.

The following criteria should be applied in determining staff access to study courses:

- d. The attending of the study course does not unduly impact upon the operational objectives of the Local Government.
- e. Any officer requesting to be approved study leave shall ensure that an application is made in writing and stipulates the following:
  - course name;
  - location;
  - length of course;
  - relevancy to the current position; and
  - cost of course



- f. The duration and length of study leave shall be granted at the discretion of the Chief Executive Officer.
- g. Study leave may be extended by the Chief Executive Officer during periods where the workload, training or time attending exams is additional to that normally required.

### ***Time off for Lectures***

Paid leave granted to employees to attend external studies shall include travelling time but only if that travel occurs during normal hours in which the employee would normally have been required to work.

Employees may be permitted time off with pay up to five hours per week, including travelling time, providing the equivalent period of time attending lectures is incurred in the employee's own time, subject to:

the number of staff attending courses of study at any one time shall not unduly interfere with work of the Local Government or any one department; and

study release may, at the Chief Executive Officer's discretion, be waived from time to time under extreme workload conditions.

### ***Examination Leave***

Employees undertaking examinations arising from an approved course of study may apply to the Chief Executive Officer for time off with pay to sit for examinations that are scheduled during working hours.

### ***Reimbursement of Fees***

All applications for assistance should be accompanied by proof of enrolment and breakdown of associated fees including receipts and any approved assistance for associated costs for study (including books, fees and transport) may be approved at the discretion of the Chief Executive Officer.

An employee who undertakes an approved course of study may apply to the Chief Executive Officer to have compulsory fees (other than for supplementary examinations and late enrolment or late entry fees) reimbursed, after successful completion of the semester/term.

Expenditure for books, stationery, equipment, parking and travel are not reimbursed, although such expenses may be eligible deductions for taxation purposes.

Claims for payment shall be accompanied by official receipts for fees paid, together with an official statement from the educational Local Government, indicating passes in those subjects.

### ***Continuity***

To continue to qualify for assistance under the education Procedure, employees will need to successfully complete each semester's subjects.

In the event that the employee is unsuccessful in completion of a study module or leaves the Local Government before the completion of that semester's study, repayment of financial support given for that semester's study is to be made as follows:

By deduction from the employee's pay on a fortnightly basis over a six month period (prior written consent from the employee is required before approval will be granted) ; or

Should the employee leave the Local Government, the amount outstanding is to be deducted from the employee's final pay (prior written consent from the employee is required before approval will be granted).

### ***Withdrawal of Support for Unsatisfactory Progress***

Support may be withdrawn subject to:

- review of semester results;
- behaviour and progress of the employee;
- the educational requirements of the Local Government; or
- repeated subject failures associated with any study course.

### **Promotion**

The successful completion of any approved course shall not necessarily entitle an employee to a higher classification, grading or remuneration.

### **Responsibility**

Each individual staff member is required to ensure that their eligibility for education and study assistance is maintained.

The relevant Director/Manager must ensure that this procedure is adhered to.

### **VARIATION TO PROCEDURE**

This Procedure may be varied or cancelled at the discretion of Chief Executive Officer.

All employees will be notified by the normal correspondence method of any variation or cancellation to this Procedure. It is the responsibility of all employees to read this Procedure prior to applying for leave.

### **ADDITIONAL EXPLANATORY NOTES:**

### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>05/14-14</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32</b>

## CMP-058 Community Service Leave

MANAGEMENT PROCEDURE No.	CMP-058
MANAGEMENT PROCEDURE	COMMUNITY SERVICE LEAVE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.230
RELEVANT DELEGATIONS	

### OBJECTIVES:

#### PURPOSE

An employee has an entitlement to be absent from employment for the purposes of engaging in an eligible community service activity. Under the *Fair Work Act 2009*, an eligible community service activity is defined as follows:

- ~ Jury service (including attendance for the purpose of jury selection) that is required by or under a law of the Commonwealth or of a State or Territory; or
- ~ Carrying out a voluntary emergency management activity;

The following Community Service Procedure includes provisions for employees to access leave under the following conditions:

- ~ Voluntary Emergency Management Activities;
- ~ Jury Service / Duty; and
- ~ Defence Reserve Leave

#### OBJECTIVE

To recognise that employees are able to access leave for the purposes of community service, defence reserve leave and jury duty leave, and provide guidelines to facilitate access to such leave.

### MANAGEMENT PROCEDURE STATEMENT/S:

#### PROCEDURE

##### **Community Service Leave**

Community Service Leave refers to leave associated with an employee who is absent from work for purposes of engaging in a voluntary emergency management activity.

- An employee who engages in a voluntary emergency management activity is entitled to be absent from employment for a period (including reasonable travel and rest time) to engage in that activity, in the form of Community Service Leave.
- Access to Community Service Leave for the purposes of voluntary emergency management activity will be in the form of unpaid leave.
- Employees accessing Community Service Leave must notify their supervisor as soon as is practicable of the period, or expected period of absence. Employees must also provide evidence supporting their application for (unpaid) Community Service Leave.

##### **Jury Service Leave**

- Employees who are selected for jury duty must advise their supervisor as soon as possible of the dates, and submit the relevant documentation to Payroll.
- As required under West Australian Law, the Local Government will continue to pay the employee their usual wages while the employee attends jury duty / service.

- c. The employee must produce the relevant claim/reimbursement forms and attendance certificates (including dates of leave) and provide to payroll for processing.
- d. Payroll will apply to the WA Sherriff's Office, for reimbursement of the cost of the employee's wages while on jury duty/service.

## Defence Reserve Leave

It is recognised that the Australian Defence Reserves continues to be an important part of our national defence strategy and that employer support is essential to their continued effectiveness.

This Procedure applies to all employees who are Reservists and undertake training and/or military service with the Australian Defence Forces.

- a. Employees applying for Defence Reservist Leave are required to provide evidence from the Defence Force of the extent of the leave requirement.
- b. Employees wishing to take Defence Reservist Leave are to provide reasonable notification to the Local Government. Generally this should be three months prior to the period of leave required.
- c. Leave for Reservists is typically 4 weeks (20 working days or 28 calendar days) leave each year although an additional 2 weeks leave to allow for a Reservists' attendance at recruit/initial employment training will be granted where required. This leave is in addition to any annual leave entitlements, but is not accumulative and cannot be carried over to the following year.
- d. An employee may elect to use annual leave entitlements to cover a proposed Defence Reservist Leave period, however employees electing not to use annual or long service leave credits for defence service and/or military service shall be granted leave without pay.
- e. On application to the Chief Executive Officer, paid leave, in the form of 'top up pay' (see clause (f) below), may be granted to employees who are members of the Defence Forces Reserves for the purpose of participating in training camps, or equivalent continuous duty. Where granted, such paid leave will apply to a specific period or periods of leave only, and will not be considered an ongoing arrangement.
- f. Where the Local Government agrees to make payment for Defence Reservist Leave it will be paid on the basis of the difference between the employee's normal weekly salary (calculated on the same basis as annual leave provisions) and the remuneration received from the Armed Services - 'top up pay'. Should the amount received from the Armed Services be greater than the normal weekly salary, no additional payments will be made by the Local Government. Superannuation contributions will be based on the employee's normal weekly salary.
- g. "Continuous full-time defence service" (excluding any time taken on annual or long service leave), will not count for annual leave or sick leave, as the employee's contract is temporarily suspended. These entitlements will accrue with the relevant Defence Force during the period of service. For periods of defence service other than continuous full-time defence service, employees' entitlements will continue to accrue:
- h. Full time military service will count as service for long service leave purposes.
- i. Unpaid Leave will be treated as leave without pay.
- j. An employee's contract is suspended whilst undertaking continuous fulltime defence service. In order to preserve employment entitlements, an employee must apply to resume duty as soon as reasonably practicable and not more than 30 days after the completion of the period of military service.
- k. Staff taking Defence Reservist Leave are required to pay normal rental during their absence should they have access to employee housing.
- l. The Local Government will keep Reservist employees who are undertaking peacetime training or deployment informed of critical developments in the workplace e.g. salary related matters (enterprise or workplace agreement negotiations).

## Legislation

- a. The *Defence Reserve Service (Protection) Act 2001 (the Act)* provides that:
- b. "Defence Service" means service in a part of the Reserves and includes training.
- c. Reserve service may be continuous full-time defence service or other defence service (e.g. short periods of defence reserve service which may include training), and must not prejudicially affect employees' entitlements or other conditions of employment.

- d. The Act does not invoke any obligation on the Local Government to pay the Reservists' remuneration in respect of the civilian employment whilst absent on defence service or to provide make-up pay in circumstances where the Defence Force pay is lower than employees' public sector pay.
- e. Any entitlements relating to Reserve service (including training) and/or military service contained in industrial awards or agreements will continue to apply, subject to them satisfying the provisions of the Act.
- f. There is no scope for the Local Government to ask employees to limit the number of training courses per year or to take less reserve service leave as this is in breach of the Act. Section 17 of the Act draws no distinction between essential and non-essential training or service and specifically contemplates a reservist "volunteer(ing)" for service or training.
- g. There is no discretion under the Act for the Local Government to refuse requests for reserve service or training leave, irrespective of inconvenience to the Local Government or the nonessential nature of the leave. The Local Government is only entitled to verify that the leave request relates to the actual reserve service or training.

### **Local Government Support Payment Scheme**

- a. In 2001, the Commonwealth Government introduced legislation to enhance and encourage Reserve personnel. One of the key features of the new Reserve legislation has been the introduction of the Local Government Support Payment (ESP). This payment is available to the Local Government when a Reservist is released for more than 2 weeks per year.
- b. The Scheme involves payment of an amount equivalent to the Average Weekly full-time Ordinary Time Earnings (AWOTE) as calculated by the Australian Bureau of Statistics, and is as recognition of the costs and/or disruption to the Local Government caused as a consequence of releasing a reservist for a period of continuous Defence service.
- c. Service that is considered under the Local Government Support Payment is:
  - i) ordinary Reserve Service, and
  - ii) voluntary continuous full-time service, if the relevant Service Chief (that is the Chief of Navy, Army or Air Force) or their delegates have designated the service as protected service.
- d. Under the Scheme the Local Government is eligible to receive the ESP once a Reservist has completed 14 days continuous Reserve service in any financial year. The qualifying period can be undertaken as a single period or as multiple periods of continuous Defence service, as long as each period of continuous Defence service is a minimum of five consecutive days.
- e. Further details of the operation of the Australian Defence Force Reserves Local Government Support Payment (ESP) Scheme can be obtained from the Defence Reserve Support Local Government on 1800 803 485 or their website [www.defence.gov.au/reserves](http://www.defence.gov.au/reserves).

### **VARIATION TO PROCEDURE**

This Procedure may be varied or cancelled at the discretion of Chief Executive Officer.

All employees will be notified by the normal correspondence method of any variation or cancellation to this Procedure. It is the responsibility of all employees to read this Procedure prior to applying for leave.

### **ADDITIONAL EXPLANATORY NOTES:**

### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	<b>05/14-14</b>
<b>Reviewed/Amended – Council Resolution:</b>	<b>05/15-23; 06/15-18; 03/17-32</b>

## CMP-059 Leave Without Pay

MANAGEMENT PROCEDURE No.	CMP-059
MANAGEMENT PROCEDURE	LEAVE WITHOUT PAY
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.330
RELEVANT DELEGATIONS	

### OBJECTIVES:

#### PURPOSE

The Local Government recognises that in order to retain the services of employees, it is sometimes necessary to grant leave of absence without pay if all other leave entitlements are exhausted by the employee. Each request for leave of absence without pay shall be considered on its merits.

#### OBJECTIVE

To enable employees to take unpaid leave in special circumstances, at the discretion of the Chief Executive Officer.

### MANAGEMENT PROCEDURE STATEMENT:

#### PROCEDURE

Applications for leave without pay shall be supported by full details of reasons for such leave.

Factors that shall be taken into account prior to approving all leave without pay applications include but not limited to:

- a. the extent to which the employee's department/section will be inconvenienced;
- b. any future projects or Local Government objectives, which the leave may impact upon;
- c. the reasons for taking such leave;
- d. the amount of unpaid leave that has been requested;
- e. the costs (where applicable) of filling the position with a replacement;
- f. the availability and cost of relief arrangements; and
- g. the employee's past work performance and behaviour.

The Chief Executive Officer may approve leave for a period determined appropriate by the CEO. Once a decision has been made the employee shall be given written notification which outlines:

- h. whether or not the approval for leave without pay has been issued;
- i. any conditions attached to the leave without pay including a copy of this Procedure;
- j. the grounds and reasons why the leave was approved or rejected; and
- k. the length of time for which the approval has been issued.

Leave without pay will not normally be approved unless the employee has exhausted all annual and/or long service leave, Rostered Days Off, etc. entitlements.

A copy of the leave application and correspondence will be committed to the employee's personal file for future reference.

#### ***Accrual of Leave***

An employee who has been approved leave without pay shall not be entitled to accrue any annual, personal, sick or long service leave during the period of time that they are absent from work.

### ***Employment whilst on Leave***

An employee shall not be allowed, without the prior written approval of the Chief Executive Officer, to engage in any other employment for reward or recognition while they are on leave.

### ***Illness and Redeployment***

Where leave without pay resulting from illness or injury is requested after all other possible leave entitlements are exhausted, the Chief Executive Officer may approve such leave as long of the employee continues to:

Keep in regular contact (at least fortnightly) with the Chief Executive Officer regarding the progress of their illness, nature of illness and likely timeframe of returning to work.

Provide the Local Government with a certificate from a registered medical practitioner for the periods of absence.

Where an employee has requested leave without pay due to illness or injury because the employee is employed in a capacity, which involves manual labour or some other duties, which cannot be completed due to the illness or injury, then at the discretion of the Chief Executive Officer, the employee may be redeployed to alternative duties during a rehabilitation period until such time as the employee is able to return to their previous role.

Any redeployment due to illness or injury must be done with the genuine consent of the employee.

Once an employee's alternative duties and safe work environment have been decided, the Chief Executive Officer may request that the employee seek a certificate from a registered medical practitioner stating that the employee is able to complete the alternative duties without having any negative ramifications on their illness or injury and that the employee's new work environment will be suitable to recovery.

Where an employee has been redeployed under these provisions, the Chief Executive Officer, through discussion with the employee, will decide if the employee's salary will be maintained during the alternative duties at the previous position rate.

### ***Leave without pay for further education***

The Local Government acknowledges that it is sometimes beneficial for an employee to apply for leave without pay for a period in which they are intending to study for a further qualification at a tertiary level.

The Local Government is supportive of employees who seek further education and at the discretion of the Chief Executive Officer may approve leave without pay for a period of time if:

- a. the employee is genuinely intending to return to work after such studies;
- b. the studies are not able to be completed via any alternative method without leave;
- c. the studies are relevant to the current position or potential future career development within the organisation;
- d. the extent to which the employee's department/section will be inconvenienced;
- e. any future projects or Local Government objectives, which the leave may impact upon;
- f. the amount of unpaid leave that has been requested;
- g. the costs (where applicable) of filling the position with a replacement; and
- h. the employee's past work performance and behaviour.

### **VARIATION TO PROCEDURE**

This Procedure may be varied or cancelled at the discretion of Chief Executive Officer.

This Procedure will always be subservient to the relevant Award requirements.

All employees will be notified by the normal correspondence method of any variation or cancellation to this Procedure. It is the responsibility of all employees to read this Procedure prior to applying for leave.



**ADDITIONAL EXPLANATORY NOTES:****ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:****Adopted – Council Resolution:****05/14-14****Reviewed/Amended – Council  
Resolution:****05/15-23; 06/15-18; 03/17-32; 07/19-4**



## CMP-060 Recruitment and Selection Procedure

PROCEDURE NO	CMP-060
PROCEDURE	RECRUITMENT AND SELECTION PROCEDURE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS PROCEDURE/PROCEDURE No.	NIL
LEGISLATION	LOCAL GOVERNMENT ACT – 5.36(1)(b); 5.36(3) & 5.40
RELEVANT DELEGATIONS	NIL

**Note: This Procedure does not apply to the CEO Recruitment Process which is catered for under the Shire's Standards for CEO Recruitment, Performance & Termination as required under the Local Government (Administration) Amendment Regulations 2021.**

### OBJECTIVES:

Ensure the process for recruitment and selection is based upon the principles of merit, equal employment opportunity and confidentiality.

The Shire is committed to ensuring recruitment and selection of prospective employees is in accordance with sections 5.36(1)(b); 5.36(3) and 5.40 of the Local Government Act i.e.

### 5.36. LOCAL GOVERNMENT EMPLOYEES

- (1) A local government is to employ
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (3) A person is not to be employed by a local government in any other position unless the CEO (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person's employment.

### 5.40. PRINCIPLES AFFECTING EMPLOYMENT BY LOCAL GOVERNMENTS

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

The Shire is committed to an effective and professional method of selecting employees, which is consistent with its organisational values.

### PROCEDURE STATEMENT/S:

The Shire's aim is to attract, select, employ, and retain quality employees who will contribute to the Shire's culture and values.

The Procedure applies to the recruitment and selection of all vacant positions excluding the Chief Executive Officer (CEO).

CEO recruitment and employment procedures are prescribed in the relevant sections of the Act and the *Local Government (Administration) Amendment Regulations 2021* and the Shire's *Standards for CEO Recruitment, Performance & Termination*.

If the CEO is recruiting a 'senior employee' as defined in section 5.37 of the Act, this Procedure applies in addition to the requirement for the CEO to inform Council of any decision to employ or dismiss a 'senior employee'.

The following procedure details processes for recruitment and selection of employees.

## **1. Position Description and Selection Criteria**

Each position within the Shire of Chapman Valley shall have a selection criteria and position description approved by the Chief Executive Officer prior to advertising.

Before recruitment commences the line manager of the vacant position must provide the Chief Executive Officer with documented evidence outlining the need for the position taking into account the organisations staffing requirement and Shire's strategic and operational plans. The line manager, in consultation with the shire employee responsible for human resource, must also provide the following supporting documentation:

- Position Description and
- Selection Criteria.

Position Description is a written statement of the primary tasks, functions, responsibilities, interactions, qualifications and experience attached to a specific position. The position description should be reviewed by the line manager to ensure it is up to date, reflects the requirements of the position and properly adheres to the principles of merit and equal opportunity.

The position description is the basis for identifying the key selection criteria for the position. The selection criteria will include the knowledge, skills, experience and qualifications the ideal candidate should possess to successfully fulfil the functions of the position.

The selection criteria will facilitate an accurate and merit-based assessment against the applicant's skills and abilities.

All positions will be evaluated to determine the appropriate classification and remuneration level of jobs.

## **2. Recruitment Strategy**

The most appropriate strategy for recruitment will be adopted to ensure the timely and effective use of resources and to maximise the successful performance of the role for the Shire. Whilst the Shire is committed to providing opportunities for existing employees to apply for vacancies within the organisation, the recruitment mix (advertisements, internal applications, external applications) will be determined by a range of elements, including the role, required skills and abilities, existing skill base and organisational needs with regard to present and future corporate needs.

At the discretion of the Chief Executive Officer, vacant positions may be filled by:

- an internal recruitment process;
- an external recruitment process involving external advertising or the use of a recruitment agency for senior positions; or
- by direct selection.

### **2.1 Direct Selection**

The Chief Executive Officer may, at their discretion, select on merit a prospective employee (internal or external) for appointment to a position without advertising the vacancy.

Direct selections may be made in the following circumstances:

- a) where a position requires a high degree of specialist knowledge or skill;
- b) where a major re-organisation has taken place, jobs have been re-designed, and/or where existing employees must be accommodated within a new organisational structure; or
- c) where direct selection is in the best interests of the smooth operation of the Shire.

## **2.2. Internal Recruitment**

The Chief Executive Officer may determine to fill any vacancy by inviting applications from within the organisation. This process can be utilised where a number of potential candidates with the required specialist knowledge or skills have been identified within the Shire's workforce.

The advertising of all internal vacancies will be coordinated through the staff member responsible for human resources within the Shire. Internal positions will be advertised via email, notice boards and intranet (if available).

Internal applicants for positions must address the job application requirements and selection criteria established for the position.

## **2.3 External Advertising and Applications**

The Chief Executive Officer may elect to recruit persons externally through placing an advertisement in the newspaper, online sources or a combination of both including the Shire's website and any social media platforms or listing the vacancy with a specialist recruitment agency.

The placement of external position advertisements will be coordinated by the staff member responsible for human resources within the Shire.

A contact officer will be appointed for all advertised positions. The contact officer should have an understanding of the position and would normally be the immediate supervisor of the position or human resources. Contact officers must interact with potential applicants in a discreet, professional and non-discriminatory manner.

## **3. Acknowledgement of Applications**

All applicants will receive confirmation of their application and an outline of the recruitment process via email.

## **4. Shortlisting of Applicants**

The purpose of shortlisting is to select a smaller group of applicants to proceed to the interview stage. The first step in short listing is to assess if the applicants appear to meet the essential criteria based on their application. It is not necessary for every applicant who meets the essential criteria be interviewed.

The line manager and any other staff member considered appropriate by the Chief Executive Officer should be involved in the shortlisting process and they should be familiar with the ethical considerations behind their decision-making process. This involves:

- The principles of merit (choosing the best candidate for the job),
- Avoiding discrimination and,
- Natural justice and fair treatment

## **5. Interview Panel Members will be appointed by Chief Executive Officer**

If considered necessary by the Chief Executive Officer, interview panels are to be established and will comprise of a maximum of three persons inclusive of the direct line manager of the position being advertised and at least one other Shire staff member, unless otherwise agreed. Members of the panel must possess the following qualities:

- Knowledge of the work area;
- An understanding of the nature of the work concerned and its relationships to Shire's functions;
- An understanding of the selection policies and procedures;

- A gender balance on the panel is desirable where practicable.

## **6. Interview Assessment Guidelines**

The staff member responsible for human resources within the Shire will prepare the interview questions in consultation with the direct line manager. Interview questions will include a series of behavioural based questions relating to the key performance requirements of the position and based on the defined selection criteria.

## **7. Interviews**

Interviews will be conducted in-line with the Equal Employment Opportunity guidelines. All positions require a minimum of one round of interviews prior to the final selection being made. Candidate responses to the selection criteria will be scored using a standardised scoring process. Where appropriate, relevant skill will form part of the selection process. A formal selection report must be provided to the Chief Executive Officer for approval prior to an offer of the position being made to the preferred candidate.

The panel shall, where possible, reach consensus on the applicant with the most merit to fill the position. Where consensus cannot be reached, or where two or more applicants are considered equal by the panel, the relevant information will be referred to the Chief Executive Officer for determination.

If there isn't a suitable applicant, the panel may decide to:

- Readvertise (perhaps more widely) and re-examine and modify the position requirements.
- Assess the best applicant's ability to meet the position requirements if supplementary training were provided.
- Review the adequacy of the process followed
- Review the position.

## **8. Reference Checks and Academic Results**

Reference checks are an important part of the selection process as they provide the selection panel with more information on which to make comparisons between interviewed applicants.

Reference checks of at least two recent employment or educational based referees must be undertaken, with a brief referee report being completed. Standard questions should be asked of each referee. Referee checks must relate to the inherent requirements of the position; however, the referee should be allowed and encouraged to speak freely, therefore a free ranging conversation beyond the selection criteria should not be stopped.

The referee should be asked to provide factual information or to give examples of observations made or opinions given about the applicant. These requests should be made in a way not to reflect doubt on the referee nor stops the flow of discussion.

Reference checks should be coordinated by the responsible line manager or the staff member responsible for human resources within the Shire.

Applicants, where relevant, should also be required to provide certified copies or originals of academic results, professional qualifications or work-related licences.

## **9. Pre- Employment Checklist**

To provide appropriate levels of risk management in the recruiting process to minimise risk a pre-employment checklist must be completed which includes, yet not limited to the following:

### **9.1 Verification of candidate identity**

The preferred candidates identity must be verified using a 100 points check including the candidates right to work in Australia.

Successful applicants should provide a certified copy of suitable proof of identification such as a driver's licence Australian passport using a 100 point ID

## 9.2 Criminal Record Screening

Dependent on the risk associated with a particular role applicants may be required to provide a current National Police Clearance..

## **10. Pre-employment Medical**

A pre-employment health assessment may be required as part of the recruitment process. The purpose of this assessment is in the interests of the prevention of industrial injury and/or illness by the proper placement of employees in those positions best suited to their physical capabilities.

The assessment is not for the purpose of determining the success or otherwise of a person's application for employment. A health assessment will be undertaken by a medical examiner of Shire's choice. The Shire will pay the medical examiner's fee.

The Local Government may direct a preferred candidate to undertake a pre-employment medical to ascertain whether the candidate is fit to undertake the inherent requirements of the role as specified

## **11. Job Offers and Employment Commencement**

On approval from the Chief Executive Officer and the completion of all required pre-employment checks, the successful applicant will be offered the position.

## **12. Employee Declarations**

Before commencement of employment all employee declarations are required to be completed and signed. This includes, yet not limited to, employment conditions agreement, confidentiality agreement, drivers licence declaration, information technology acknowledgement.

## **13. Employment Agreements/Contracts**

All successful applicants will receive a letter of appointment (agreement-based employee) or a letter of offer and employment contract (common law contract).

The letter of appointment and letter of offer/employment contract are some of the most important documents issued by the Shire. Together with the prospective employee's acceptance, it forms the basis of the contract of employment. Documenting the employment relationship will ensure the prospective employee knows on what terms she or he is agreeing to work, thus minimising any doubt, as well as the likelihood of any further disputes.

The letter of employment should contain the following information as a minimum:

- Position title and duties together with a copy of the position description;
- Employee's classification, wage rate and payment arrangements;
- Duration of employment;
- Supervisor/line authority;
- Hours of work and place of work;
- Superannuation details;
- Leave entitlements;
- Probationary period and review mechanisms;
- References to the applicable award, industrial agreement and employees
- Reference to relevant policies and procedures.

The employment documents must be signed and returned by the applicant prior to the commencement of employment. Should at any time during the period of employment any of the terms and conditions of employment need to be changed or varied for whatever reason, a new contract of employment or letter of appointment will be completed and the employee must agree prior to the variations or change taking place.

A personnel file containing the employee's application for employment, letter/contracts of employment and pre-employment checks will be established in the Shire information/records management system.

All personnel information will be kept on file and will be made available to the individual employee to view on request.

## **14. Notification of Employees Appointments**

The appointment to positions will be notified when confirmation of acceptance has been received and all unsuccessful applicants have been notified.

## **15. Probationary Period**

### *Notification upon Appointment*

All Shire of Chapman Valley managers and senior employees will endeavour to adhere to the following guidelines when establishing a probationary period for an employee:

- The probationary period must be committed to writing at the outset of the employment relationship, so both the Shire of Chapman Valley and employees are clearly aware and informed of the probationary period. This may be in the form of a letter of offer, contract of employment, policy or enterprise agreement. The length of the probationary period will be determined after having regard to the nature of the position and the required time frame for assessment; and
- A probationary period must be determined in advance and prior to appointment;
- The Shire of Chapman Valley will endeavour to notify the employee in writing of their probationary period and the discretion of the Shire of Chapman Valley to extend the probationary period, in either the letter of appointment or the contract of employment.

### *Termination of Employment during Probationary Period*

An employee may be dismissed during a probationary period pursuant to their contract of employment. However, it is important that if an employee's employment is terminated, that:

- the Shire of Chapman Valley outlines the reasons for termination; and
- the employee is given an opportunity to respond to the reasons for the termination of their employment.

### *Permanent Appointment to Position*

Where it has been decided an employee has performed satisfactorily in order to be granted ongoing employment, the following procedures shall be followed:

- the employee's permanent status will be confirmed in writing;
- the manager and employee will meet to discuss any performance issues, areas of improvement and areas of positive performance, and record these discussions in writing;
- any training needs of the employee will be identified and record these training needs in writing;
- the employee should be given the opportunity to provide feedback regarding the probationary process and the matters discussed during the probationary process; and
- Identify and explain areas within the Key Performance Indicators which require improvement.

Failure to complete a final probationary review within the set timeframe will not automatically result in an employee being permanently appointed to any that position. If the final probationary review is not completed within the set timeframe, the employee on probation will be contacted as soon as practicable and informed their probationary will be extended to allow for a final assessment to be conducted.

### *Extension to the Probationary Period*

The Shire of Chapman Valley may decide to extend the probationary period beyond the initial probationary period rather than appoint the employee permanently. Any decision to extend the probationary period should take into account the factors outlined below:

- employee absence or change in management;
- the employee's performance;
- the guidelines set out in the relevant award, letter of employment and/or contract of employment;
- the measures taken during the probationary period to discuss the deficiencies of the employee;
- the nature and seriousness of the deficiencies;
- the efforts by the employee to rectify any deficiencies;

- review of the employee's efforts to rectify their performance;
- Whether the nature of the work requires a longer probationary period in order to assess the employee's capacity to perform the role;
- the employee's personal circumstances such as previous experience, knowledge, age, expectations and family responsibilities; and
- any other factor deemed relevant by the Local Government.

The employee should be informed where the Shire of Chapman Valley decides to extend the probationary period and this extension should be confirmed in writing.

## 16. Record Keeping

During the recruitment and selection process, applications and information relating to applications will be recorded and stored in accordance with the Record Keeping Plan and State Records Act 2000 (WA).

Documentation recommending the appointment of the successful candidate including reference checks will be filed on the job application file to ensure transparency of the process.

## 17. Other Related Documents and Legislation

Anti-Discrimination Act 1991

Age Discrimination Act 2004 (Cwth)

Australian Human Rights Commission Act 1986 (Cwth)

Disability Discrimination Act 1992 (Cwth)

Information Privacy Act 2009

Local Government Act 2009 Local Government Regulation 2012

Racial Discrimination Act 1975 (Cwth)

Right to Information Act 2009

Sex Discrimination Act 1984(Cwth)

Workplace Gender Equality Act 2012 (Cwth)

Code of Conduct

Equal Employment Opportunity

Industrial Instruments

Recruitment and Selection Procedure

### ADDITIONAL EXPLANATORY NOTES

### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

<b>Adopted – Council Resolution:</b>	<b>03/21-10</b>
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<b>Reviewed/Amended – Council Resolution:</b>	
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## CMP-063 Information Technology Usage Procedure

MANAGEMENT PROCEDURE No.	CMP-063
MANAGEMENT PROCEDURE	INFORMATION TECHNOLOGY USAGE
RESPONSIBLE OFFICER	MANAGER FINANCE & CORPORATE SERVICES
PREVIOUS POLICY No.	NA
RELEVANT DELEGATIONS	

### OBJECTIVES:

This Procedure outlines the conditions governing the use of all Information Technology (IT) facilities provided by the Shire of Chapman Valley. The Procedure applies to Elected Members, staff and to others to whom access to IT facilities has been provided.

### MANAGEMENT PROCEDURE STATEMENT/S:

#### 1. General Use

- 1.1 The Shire of Chapman Valley reserves the right to, without notice, modify, upgrade, withdraw or otherwise alter any facilities provided.
- 1.2 The Shire of Chapman Valley has ownership of all files and e-mail messages stored on Shire devices and reserves the right to examine all data and software on its facilities and to monitor usage in order to ensure compliance with this Procedure.
- 1.3 Users must respect the resource limitations of the IT facilities provided resources are not infinite.
- 1.4 Any facilities provided to users are for the business purposes of the Shire of Chapman Valley. The Shire will not be responsible for meeting any costs resulting from either the misuse of facilities or the use of facilities for non-business-related purposes.
- 1.5 The Shire of Chapman Valley supports only those facilities which it provides for business purposes. Hardware, software, operating systems and networking protocols not in use at, or provided and approved by the Shire of Chapman Valley are not supported.

#### 2. Storage

- 2.1 All corporate information including correspondence, minutes of meetings, memos, file notes and reports (other than those generated through the Shire's databases) are to be stored in the Electronic Document Management System (EDMS). This is consistent with the legislative requirements of the State Records Act 2000.
- 2.2 E-mails and faxes, sent and received, and of corporate nature must be captured and stored in the Electronic Document Management System. This is consistent with the legislative requirements of the State Records Act 2000.
- 2.3 Hard copy documents must be scanned and registered into the EDMS immediately upon receipt.
- 2.4 Corporate documents must not be stored on desktop computers or on portable media (i.e.: Portable Devices, CDs, DVDs) There are appropriate methods for storing draft and 'working' documents within the EDMS.

Network drives are provided for non-corporate documents only and only limited quotas are allowed. It is the responsibility of each staff member to understand what documents should be stored in the EDMS, this information can be obtained from the Record Management Record Keeping Plan August 2014 and Record Management Standard Operating Procedures.



- 2.5 Only the network drives and corporate systems are backed up. 'C' drives and local 'H' drives are not backed up and users will be responsible for any loss of data stored on this drive or on portable media.
- 2.6 Duplication of data is to be avoided. Any documents stored in the EDMS do not need to be stored elsewhere unless access to EDMS is planned to be unavailable or the data is stored on media specifically designed for the purpose of backup.

### **3. Installing Unauthorised Software or Files**

- 3.1 Users must not purchase, install, copy or use any software without prior written consultation with the Chief Executive Officer or Manager Finance & Corporate Services.
- 3.2 The use of any files that are subject to Copyright regulations that have not been authorised in writing for use by the Copyright owner are not permitted to be used on the Shire of Chapman Valley systems.
- 3.3 Copyright authorization documentation has to be registered in the EDMS and Manage according to the Shire's record keeping plan.
- 3.4 The installation and use of third party "screen savers" is not permitted.

### **4. Access to Computer Facilities**

- 4.1 Users may use only those facilities, which they have been properly authorised to use by the relevant Manager. Authorisation must be provided to Manager Finance & Corporate Services in writing before access is provided and/or modified. Access to third party contractors or consultants must be authorised by the Chief Executive Officer and facilitated by the Manager Finance & Corporate Services for security.
- 4.2 Users may not use any of the facilities provided by the Shire of Chapman Valley in such a way as to reflect poorly upon the Shire either in part or as a whole.
- 4.3 Users may not use any of the facilities provided to them by the Shire of Chapman Valley in such a way as to achieve personal gain or to earn income external to their employment at the Shire.
- 4.4 The playing of games on Shire computers is not permitted.
- 4.5 Where the use of any IT facility is governed by a password, the password must not be inappropriately divulged to any other person.
- 4.6 Users must take every reasonable precaution to ensure that their passwords, accounts, software and data are adequately protected. We recommend that no passwords are written down and kept at or near a user's desk.
- 4.7 Any computer account or facility allocated to a user is for their exclusive use. The user must not allow another person to use it without appropriate authorisation from Managers or the Chief Executive Officer.
- 4.8 Users will comply with any directive (verbal, written or electronic) from Manager Finance & Corporate Services relating to access to IT facilities.
- 4.9 Users must treat IT facilities and telephones with respect. Any wilful damage sustained to equipment will result in the costs of repair being sought from the user of the equipment. Any damage sustained to equipment as a result of neglect may result in the costs of repair or replacement being sought from the user of the equipment.

- 4.10 Users must be aware that the use of mobile devices may result in significant communications costs. When users do not have access to Wi-Fi connections to the Shire, on-line time should be kept to a minimum. The Shire of Chapman Valley will not be responsible for any excessive costs incurred. Mobile data devices are available for executive staff who need internet access.
- 4.11 Remote access to the Shire of Chapman Valley IT facilities is provided on a needs basis. Those seeking such access will need approval in writing from their Manager. Users with remote access must take extra care in relation to security issues and report any breaches (or perceived breaches) of security immediately to IT Services, and must use passwords with at least 8 characters and must contain a mixture of upper and lower case alpha characters and numbers.
- 4.12 The Manager Finance & Corporate Services reserves the right to perform system maintenance tasks outside regular Administration Centre working hours. Where abnormal maintenance tasks are planned notification of the anticipated down time will be communicated if possible. If staff has a particular need for after hour's access to IT facilities they should liaise with the Manager Finance & Corporate Services in advance to arrange access options.
- 4.13 The Manager Finance & Corporate Services has the right to remove, or reallocate specific items of IT equipment within the organisation to ensure maximum efficiencies are achieved from the shire's IT equipment. Such removals reallocations will occur with appropriate consultations with the appropriate managers.

## **5. Security**

- 5.1 Regardless of the prevailing security, or lack of security, users shall not access any data or software except data or software that belongs to the user or have been provided for their use, or is stored on a shared medium for which they have been granted access.
- 5.2 Users must not attempt to rename, delete, or modify the data of another user without prior authorisation from the Manager Finance & Corporate Services, except in the following circumstances: -
  - 5.2.1 For data or files stored on a shared network facility or transferred in/out via a shared network facility.
  - 5.2.2 Under direction of their supervising officer(s) to amend data or files stored in a personal directory.
- 5.3 Anti-virus software protection is provided at both server and desktop level. If a user suspects that their machine has become infected with a virus (or similar type entity) it should be reported immediately to Manager Finance & Corporate Services.
- 5.4 Users are encouraged to log out of their workstations when they are not in use or utilise the auto-locking from the alt-ctrl-del function of away from their workstation more than 10 minutes.
- 5.5 Users should correctly shut their computer systems down before finishing work each day, unless otherwise requested by Manager Finance & Corporate Services.
- 5.6 Users must report to Manager Finance & Corporate Services, without delay, any breaches (either real or perceived) of security.

## **6. IT Support**

- 6.1 The Shire would like all users of our equipment to get maximum productivity through the use of advanced technology.
- 6.2 Progress is only possible through cooperation; staff should communicate with Manager Finance & Corporate Services as frequently as possible to enable the Manager Finance & Corporate Services to understand their needs or frustration. Requests for new systems will be

formal and such requests will have treated in order of priority or directives from the Chief Executive Officer.

- 6.3 Support Requests to any external IT support agencies are to be logged through the Manager Finance & Corporate Service.

## **7. Internet and E-mail**

- 7.1 The provision of Internet browsing facilities to a user must be authorised in writing by the relevant line Managers and Chief Executive Officer.
- 7.2 E-mail users must check their e-mail frequently, delete any unnecessary messages promptly and manage their e-mail files wisely. Limits are set on mailbox sizes; therefore, users should make sure e-mails are registered into the EDMS.
- 7.3 When commencing leave, staff should utilise the ability of the email software to forward incoming mail to the person who is acting in the position during their absence or out of office message is to be utilised.
- 7.4 Outlook Calendars are regarded as a management tool and should be made available for other staff to review. Personal appointments can be marked 'Private' so reviewers may not see the details of the content.

## **8. What is Acceptable Use in regard to Internet and E-mail?**

- 8.1 Subject to the balance of this Procedure, employees may use the Internet access provided by the Shire of Chapman Valley for: -
- 8.1.1 Work-related purposes;
- 8.1.2 Sending and receiving personal email messages, provided that if email messages are sent with a Shire of Chapman Valley email address in the from: or Reply-To: header, a disclaimer shall accompany the email to the effect that the views of the sender may not represent those of Shire of Chapman Valley;
- 8.1.3 Utilizing any other Internet service or protocol for personal purposes after obtaining permission in writing, to do so, from the Manager Finance & Corporate Services.
- 8.1.4 Personal e-mails to advertise items are not permitted.
- 8.1.5 E-mail messages of a corporate nature that leave the Shire of Chapman Valley destined for an external organisation are public records and must be captured in the EDMS. Any corporate email messages that officers receive must also be captured in this manner. If the user is unclear of how to capture the correspondence in the EDMS themselves such messages should be forwarded to Records staff to facilitate this legislative (State Records Act 2000) requirement.

**Condition: Provided in each case that the personal use is moderate in time, does not incur cost for the Shire and does not interfere with the employment duties of the employee or his or her colleagues. Managers and/or the CEO can determine if any private use is excessive and direct staff to curtail such case as they consider appropriate,**

## **9. What is Not Acceptable Use in regard to Internet and E-mail?**

- 9.1 Except in the course of an employee's duties or with the express permission of the Shire, the Internet access provided by the Shire may not be used for: -
- 9.1.1 Personal commercial purposes;
- 9.1.2 Sending unsolicited bulk email such as advertising or announcements that are not related to Shire business to any group

- 9.1.3 Sending any e-mail that is inappropriate, for example, e-mails that contains pornographic material, profanity, racial and sexual discrimination, forwarding of hoaxes, chain-mail, spam, harassing colleagues or knowingly sending or forwarding virus-infected e-mails
- 9.1.4 Disseminating confidential information of the Shire of Chapman Valley;
- 9.1.5 Any illegal purpose;
- 9.1.6 Knowingly causing interference with or disruption to any network, information service, equipment or any user thereof;
- 9.1.7 Disseminating personal contact information of officers or employees of the Shire without their consent;
- 9.1.8 Knowingly causing any other person to view content which could render the Shire liable pursuant to equal opportunity or sexual discrimination legislation at the suit of that person; or
- 9.1.9 Knowingly downloading or requesting software or media files or data streams that are not related to Shire business.
- 9.1.10 Sending e-mails that has documents attached, to multiple users within the Shire. Documents of corporate value should be registered in the EDMS and be referred to in e-mails. If a document is not of corporate value it can be stored on the Shared drive and referred to in an e-mail.
- 9.1.11 The use of real-time messaging services such as ICQ or MSN or Yahoo.
- 9.1.12 Web sites including but not limited to those of the following nature: -
  - Games.
  - Personal Shopping / Auctions.
  - Entertainment.
  - Adult Entertainment.
  - Social Sites (Facebook)
  - Pornography.
  - Personal Internet E-mail (such as Gmail, Hotmail or Yahoo).
  - Chat Rooms / Channels.

## **10. Example of Disclaimer to be used**

*"This email is private and confidential. If you are not the intended recipient, please advise us by return email immediately, and delete the email and any attachments without using or disclosing the contents in any way. The views expressed in this email are those of the author, and do not represent those of the Shire of Chapman Valley unless this is clearly indicated.*

*You should scan this email and any attachments for viruses. The Shire of Chapman Valley accepts no liability for any direct or indirect damage or loss resulting from the use of any attachments to this email."*

## **11. Consequences of Unacceptable Use**

- 11.1 The Shire of Chapman Valley keeps and may monitor logs of Internet usage which may reveal information such as which Internet servers (including World Wide Web sites) have been accessed by employees, and the email addresses of those with whom they have communicated. The Shire of Chapman Valley will not, however, engage in real-time surveillance of Internet usage, will not monitor the content of email messages sent or received by its employees unless a copy of such message is sent or forwarded to the company by its recipient or sender in the ordinary way, and will not disclose any of the logged, or otherwise collected, information to a third party except under compulsion of law.

- 11.2 Responsibility for use of the Internet that does not comply with this Procedure lies with the employee so using it and such employee must indemnify the Shire of Chapman Valley for any direct loss and reasonably foreseeable consequential losses suffered by the Shire by reason of the breach of Procedure.
- 11.3 The Shire of Chapman Valley will review any alleged breach of this Acceptable Use Procedure on an individual basis. If the alleged breach is of a very serious nature which breaches the employee's duty of fidelity to the Shire, the employee shall be given an opportunity to be heard in relation to the alleged breach and if it is admitted or clearly established to the satisfaction of the Shire the breach may be treated as grounds for dismissal.
- 11.4 Otherwise, an alleged breach shall be dealt with as follows: -
- 11.4.1 Initially, the employee shall be informed of the alleged breach, given an opportunity to respond to the allegation, and if it is not satisfactorily explained, be asked to desist from or where applicable to remedy the breach.
- 11.4.2 If the breach is not desisted from or remedied, The Shire of Chapman Valley may either withdraw the employee's access to the Internet or provide a first warning to the employee, to which the employee shall have an opportunity to respond.
- 11.4.3 If the infringing conduct continues the employee may be given a second and a third warning, to each of which he or she shall have an opportunity to respond.
- 11.4.4 If a breach is committed after the third warning the employee may be dismissed. Breaches of this Procedure will be handled as per the Industry Standard Disciplinary Procedure.

## 12. Questions

If you have any questions about this information technology Procedure, please contact the Manager Finance & Corporate Services. If you do not have any questions, the Shire of Chapman Valley presumes that you understand and are aware of the rules and guidelines in this Procedure and will adhere to them.

## 13. Declaration

I have read, understand and acknowledge receipt of the Information Technology Usage Policies and Procedures Procedure. I will comply with the guidelines set out in this Procedure.

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

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

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

### ADDITIONAL EXPLANATORY NOTES:

### ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:

<b>Adopted – Council Resolution:</b>	
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<b>Reviewed/Amended – Council Resolution:</b>	05/15-23; 06/15-18; 03/17-32; 03/21-10
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