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## INTRODUCTION

The *Local Government Act 1995*, (the Act) Section 5.36(1)(a), indicates that a local government is to employ a person to be the Chief Executive Officer (CEO) of the local government. In discussion with officers from the Department of Local Government, Sport and Cultural Industries, it has been ascertained, in their view, that the Council should approve any leave taken by the CEO, as they are that person's employer and are therefore responsible for the management of that person.

It has also been determined that to comply with the Act, the Council should approve the person who will take on the role of Acting Chief Executive Officer in the absence of the Chief Executive Officer on leave.

## OBJECTIVE

To assist in the efficient management of the organisation by having an appropriate policy in place that allows for the efficient management of CEO's leave applications and appointment of a person to act in that position when required.

## POLICY STATEMENT

- 1 That the CEO be required to submit annual leave applications to Council for approval where the period of leave to be taken exceeds five working days.
- 2 Where the CEO wishes to take periods of leave for five working days or less, the President is to be advised of the proposal.
- 3 The details of all CEO annual leave periods shall be included in the weekly Friday Flyer.
- 4 The CEO is delegated authority to appoint an Executive Manager to the position of Acting Chief Executive Officer during all periods of leave.

## POLICY APPLICATION

This policy applies to the Chief Executive Officer and Directors at the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Local Government Act 1995 s5.36 (1) (a)
<b>Reviewer:</b> CEO	<b>Delegated Authority: 152</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC1205, 17.12.14 Minute OC0204, 24.02.16	
<b>Review Date:</b> December 2019	



## Policy 3.2 Equal Employment Opportunity, Discrimination, Bullying & Harassment

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### INTRODUCTION

The Shire of Capel has a responsibility under the provisions of the *Equal Opportunity Act 1984 (WA)*, *Occupational Safety and Health Act 1984 (WA)*, *Occupational Safety and Health Regulations 1996 (WA)* and Commonwealth legislation to provide a safe working environment which is free from bullying, discrimination and harassment for all Officers and members of the public.

### OBJECTIVE

1. The Equal Opportunity goals of this Shire are designed to provide a working environment where every officer is treated equally, fairly and without prejudice.
2. The Shire of Capel appreciates the value inherent in a diverse workforce. We value the differences between people and the contribution these differences make to our Local Government.
3. The Shire of Capel will not tolerate bullying, discrimination or harassment under any circumstances. This behaviour is unlawful and the Shire of Capel may take disciplinary action against any Officer who breaches this Policy. All grievances and complaints will be resolved through the Shire of Capel Policy 3.16 – Grievances, Investigations & Resolutions.

For the purpose of this policy 'Officer' means employee, contractor, volunteer or any other person performing work for or with the Shire of Capel.

### POLICY STATEMENT

1. The Shire of Capel will endeavour to:
  - provide all Officers with a workplace free from discrimination, harassment and bullying;
  - provide and maintain safe systems of work;
  - provide a fair and effective procedure to investigate and resolve complaints of harassment, discrimination and bullying;
  - treat all Officers fairly; and
  - take suitable disciplinary action against any Officer who is found to have harassed, discriminated, bullied or victimised another Officer.

2. Officers are required to:
  - report any incidents of harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
  - follow all Policies and Procedures of the Shire of Capel;
  - ensure they do not victimise any person making a complaint of harassment, discrimination or bullying; and
  - treat all other Officers fairly and with respect.
3. The Shire of Capel engages the services of an external Employee Assistance Provider who can provide employees with confidential counselling. Please see Human Resources for details of the Employee Assistance Provider or see the Policy 3.15 - Employee Assistance Program.
4. Any breach of this policy, may result in disciplinary action up to and including termination of employment.
5. If you think you or another Officer are being unfairly treated, discriminated against, bullied or harassed please speak with your Manager, Human Resources or refer to the Policy 3.16 – Grievances, Investigations and Resolutions.
6. Equal Opportunity
  - 6.1 The Shire of Capel actively promotes Equal Employment Opportunity (EEO) by treating individuals with dignity, courtesy and respect. The Shire of Capel maintains this by recruiting and promoting based on merit, skills and qualifications.
  - 6.2 The Shire of Capel promotes a workplace culture that supports difference and that enables each employee to fully contribute to the best of their ability.
  - 6.3 All opportunities within the workplace, including employment, promotion and training are promoted on an equal opportunity basis by considering relevant experience, skills and ability to meet the minimum requirements for the particular opportunity.
7. Unlawful Discrimination
  - 7.1 Discrimination is treating a person less favourably than another person, in the same or similar circumstances, on any one or more of the grounds covered by the *Equal Opportunity Act 1984 (WA)* (the Act); including sex, marital status, family responsibilities, pregnancy, race, colour, age, disability, religion, political opinion, sexual preference, national extraction or social origin.
  - 7.2 Indirect discrimination can occur where a rule or requirement can have a negative effect on a substantially higher proportion of people with a particular attribute or characteristic, compared to people without that attribute or characteristic, and the rule is unreasonable in the circumstances.

## 8. Harassment

Harassment is any form of behaviour, offensive action or remark that is unwelcome, which offends and humiliates, on the grounds of any one or more of the grounds covered by the Act.

## 9. Sexual Harassment

The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples include, but are not limited to:

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring;
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;
- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress; and
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

## 10. Bullying

10.1 Bullying is unlawful behaviour that is not tolerated by the Shire of Capel. Bullying is defined as repeated and unreasonable behaviour directed towards an Officer or a group of Officers that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

Some examples may include, but are not limited to:

- Loud, abusive, insulting or offensive language;
- Behaviour or language that frightens, humiliates, belittles or degrades;
- Teasing and constant practical joking;
- Physical assaults or threats;
- Consistently overloading a person with work;
- Ignoring or isolating a person;
- Consistently setting unachievable timelines or targets;
- Unfair treatment in relation to accessing workplace entitlements;
- Constant intrusive surveillance;
- Spreading misinformation and rumours;
- Petty or demeaning work rules;
- Unfair and excessive criticism; and
- Sabotage of work, work equipment or personal effects.

10.2 Where an Officer makes a threat of violence or assaults another Officer, the police should be called.

10.3 The Shire of Capel has a right to take reasonable management action to direct the way in which work is conducted and to give Officers lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

#### POLICY APPLICATION

This Policy applies to any employee, contractor, volunteer or any other person performing work for or with the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Occupational Safety and Health Act 1984 (WA) Equal Opportunity Act 1984 (WA) Sex Discrimination Act 1984 (Cth) Occupational Safety and Health Regulations 1996 (WA).
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0426, 24.04.07	<b>Other References:</b> Policy 3.15 - Employee Assistance Program Policy 3.16 – Grievances, Investigations & Resolutions
<b>Amended:</b> Minute OC0204, 24.02.16	
<b>Review Date</b> December 2019	

*Rescinded, refer to Policy 3.24, Community Service Leave*

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b>	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07	
<b>Rescinded:</b> Minute OC0204, 24.02.16	

*Rescinded – refer to Policy 3.25, Recruitment and Selection*

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b>	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07	
<b>Rescinded:</b> Minute OC0204, 24.02.16	

### INTRODUCTION

The purpose of this policy is to enable the Shire of Capel to respond to changes and challenges faced by local government to maintain cost effective service delivery to the community.

This policy should be read in conjunction with the *Local Government Industry Award 2010 (LGIA)*, *Fair Work Act 2009* and the National Employment Standards (NES).

### OBJECTIVE

To provide a commitment that Council will act in an ethical and open manner in relation to the retention of employee's services where possible, or assist the employee in finding alternative work, in a manner which recognises the employee's service with the Shire of Capel.

The need for redundancy may arise should the Shire of Capel no longer require a particular service, role or function to be performed.

### POLICY STATEMENT

#### 1. Consultation

The Shire of Capel will:

- Notify the employees whose employment may be affected by any proposed changes as soon as reasonably possible;
- Provide the employees with information about these changes and their expected effects;
- Take steps to avoid or minimise any negative effects on employees; and
- Consider any reasonable feedback or ideas suggested by employees.

#### 2. Transfers or Redeployment

- 2.1 Where possible the Shire of Capel will aim to redeploy employees should a suitable alternative position be available. Redeployment will take into consideration skills and experience required for the alternative position as well as reasonable training required to successfully fulfil the alternative position.
- 2.2 Where an employee is transferred or redeployed to lower paid duties by reason of redundancy, the same period of notice will be given should the employee's employment be terminated, after which time the employees pay will revert to the lower amount.

### 3. Redundancy Benefits

Where a position has been made redundant and a suitable transfer has not been possible, an employee may receive the following.

- a. A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 - 5 weeks' pay.
- b. Payment of 2 weeks' pay.
- c. An additional 2 weeks' pay for each completed year of service with the Shire of Capel.
- d. The maximum payable under (b) and (c) shall be 26 weeks' pay.
- e. Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations.
- f. All other pro rata entitlements payable under the appropriate legislation, award or agreement to a terminating employee will be paid.
- g. During the Notice period, the employee shall be entitled to reasonable time off from the job without loss of pay to attend employment interviews or other similar activities to assist the employee find employment.
- h. Where the circumstances of a redundancy are such that it will be extremely difficult for that employee to find another job, Council may exercise its discretion to provide additional benefits to such employees. In this event, details of the total redundancy package for such an employee shall be published in accordance with section 5.50(2) of the *Local Government Act 1995*.
- i. The term "weeks' pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefit normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation contribution provided to all employees etc).

### 4. Counselling

Counselling by a professional counselling service shall be available for any employee who has been or is to be made redundant.

In appropriate circumstances an outplacement service may also be offered. In this event no payment in lieu of such service will be made.

## 5. Exclusions

- 5.1 Benefits provided under this Policy shall not apply where employment is terminated as a consequence of conduct that justifies dismissal, including performance management, misconduct, malingering, inefficiency or neglect of duty.
- 5.2 This Policy does not apply in the case of casual or temporary employees who were engaged for a specific time period or for a specific reason or specific task, project or program.
- 5.3 This Policy does not apply to an employee engaged on a fixed term or maximum term contract where the term of the contract expires.

## POLICY APPLICATION

This Policy applies to all permanent full and part time employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Local Government Act 1995 Local Government Industry Award 2010 Fair Work Act 2009 National Employment Standards Local Government (Long Service Leave) Regulations
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07 Minute OC0204, 24.02.16	
<b>Review Date:</b> December 2019	

### INTRODUCTION

Section 5.50(1) of the *Local Government Act 1995* (the Act) provides that

“A Local Government is to prepare a policy in relation to employees whose employment with the Local Government is finishing, setting out:

- a) the circumstances in which the Local Government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- b) the manner of assessment of the additional amount,

and cause local public notice to be given in relation to the policy.”

### OBJECTIVE

To give effect to Section 5.50 of the *Local Government Act 1995* in relation to the payment of employees in addition to a contract or award upon leaving the organisation.

### POLICY STATEMENT

1. A terminating employee is entitled to severance pay and benefits in accordance with:
  - Any federal or state award or industrial agreement applicable to that employee;
  - Any applicable provisions within the employee’s contract of employment;
  - Any applicable award or order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal; and
  - Where Council so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.
2. When finalising redundancy or voluntary severance packages, the consideration of payments in addition to existing entitlements under a contract, policy, award or agreement will be determined by the Chief Executive Officer (CEO) in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996*.
3. Matters to be taken into consideration by the CEO in determining the extent of any financial offers may include:
  - the length of service;
  - the conscientiousness of the employee over the past employment;
  - the value of the employee’s service having regard to position(s) held and the regard given by Council to the employee’s contribution;
  - the length of time to retirement;

- the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
  - possible exposure to litigation if the employee was dismissed having regard to obligations of Council under legislation including; the *Equal Opportunity Act 1984*, the *Workers Compensation and Injury Management Act 1981*, *Industrial Relations Act 1979* and the *Fair Work Act 2009*.
4. The CEO may pay a severance payment to an employee in settlement of a claim where an employee or former employee has, or proposes to, take action or make a claim under any relevant employment legislation. Any such decision will be made in accordance with regulation 19A of the *Local Government (Administration) Regulations 1996*.
5. Matters to be taken into consideration by the CEO as to whether to seek a settlement and if so, the extent of any financial offers may include the:
- strength of the respective cases in any litigation;
  - cost of legal advocacy and support;
  - cost of witnesses;
  - cost of travel and accommodation in running the case;
  - cost of having staff tied up in the preparation and hearing of the case; and
  - disruption to operations.
6. Nothing in this Policy prevents the CEO from determining that in special circumstances, terminating employees may be paid additional monies or provided additional benefits where justified. If the CEO so determines, details of the severance pay and benefits shall be published in accordance with section 5.50(2) of the Act.

## POLICY APPLICATION

This Policy applies to all permanent full and part time employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Local Government Act 1995 Local Government (Administration regulations) 1996
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b> <b>153</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07 Minute OC0204, 24.02.16 Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment 22.11.17</b> Changes to reflect advice from Department of Local Government and WALGA regarding current best practice, incorporation of references to LG (Admin) Regs.	

### INTRODUCTION

Council, through the Chief Executive Officer (CEO), has a responsibility to organise its labour resources in the most efficient manner possible so as to maximise the services provided in an effective, economic and efficient manner.

Council's workforce is its most important resource necessary for the achievement of Council's objectives and the skills of the workforce are of the most fundamental significance.

### OBJECTIVE

To define the extent of Council's commitment to training and give guidance on preferred training methods and outcomes

### POLICY STATEMENT

1. Education (being the acquisition of general tertiary and professional skills and qualifications) is the responsibility of the individual employee. This does not preclude Council from assisting an employee (e.g. study leave) but such assistance, extended at the discretion of the Council is not an employee right.
2. Training (being an extension and/or enhancement of skills and knowledge to enable employees to be more effective in their jobs and/or to provide for future progression) is the joint responsibility of Council and the employee.
3. Council recognises the need for attention to and investment in staff training and authorises the allocation on each year's draft budget of amounts totalling at least 1.5% of the Council's gross payroll towards staff training.
4. Funds allocated by Council for staff training may be directed towards any "training expenditure" and without limiting the generality of this clause, may include:
  - Cost of salaries, registration fees, travelling and accommodation involved in attending training courses and where appropriate seminars or conferences;
  - The wages and overheads associated with the employment of training officers and similar appropriate persons for the provision of internal training courses and on the job side by side training;
  - Purchase of videos, books and other appropriate training aids; and
  - Other appropriate training initiatives at the CEO's discretion.

## POLICY APPLICATION

This Policy applies to all employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07	
<b>Review Date:</b> December 2019	

### INTRODUCTION

The primary use of Council vehicles is for the purpose of providing works, services and facilities to the community to achieve corporate and programmed objectives. Any other use is secondary.

Vehicles may also be used by approved employees for certain types of private use.

### OBJECTIVE

To identify the categories of use for Council Supplied vehicles to employees.

### DEFINITIONS

*Fully Maintained* means that Council meets all costs associated with the operation of the vehicle during all approved use. This includes the cost of licensing, insurance, fuels and oils, tyres and servicing by an authorised service centre.

*Council Supplied* means a vehicle either purchased by or leased by Council.

### POLICY STATEMENT

#### 1. Conditions of Use

- 1.1 At the discretion of the Chief Executive Officer (CEO) and in accordance with this Policy, employees may be given approval to use Council supplied vehicles.
- 1.2 The private use of a vehicle is a privilege and not an automatic or established entitlement (unless described as part of remuneration package in a contract of employment).
- 1.3 Employees operating a Council Supplied vehicle are required to drive in a safe manner and abide by the *Road Traffic Act 1974*. Breaches of this policy may result in disciplinary action.
- 1.4 The vehicle is to be maintained in a clean and tidy condition at all times. Cleaning (internal and external) will be undertaken in the employees own time.
- 1.5 Smoking is not permitted inside or within a 10 metre radius of a Council Supplied vehicle. All Council Supplied vehicles should remain free from odour including cigarette odour.
- 1.6 Employees with private or commuting use of a vehicle must reside within a maximum of 85 km travel distance or 1 hour travel time (whichever is less) of the Shire Administration Office.

- 1.7 The CEO shall have the right and discretion to withdraw private or commuter use by providing two weeks' notice. However, failure to comply with any of the conditions of this policy or the vehicle use procedure may result in suspension or withdrawal of private or commuter use without notice.
- 1.8 The CEO may approve the relinquishment of a vehicle provided for in a contract of employment in exchange for a negotiated package that takes into account the pre-tax cash equivalent value of the motor vehicle as assessed by a recognised industry package valuation expert.

## 2. Categories of Use

### 2.1 Unrestricted Private Use

Means a Fully Maintained, Council Supplied vehicle allocated for use by an employee, their spouse or partner, for private purposes outside of working hours within the area of the State of Western Australia. Employees will be responsible for all fuel costs where the vehicle is taken outside of the 26<sup>th</sup> Parallel line.

The employee's spouse or partner shall be allowed to use the vehicle at any time when the employee is in the vehicle or for a maximum journey distance of one hundred (100) kilometres on any occasion when not accompanied by the employee. The approval of Council will be required if private use of the vehicle is requested for periods of approved leave greater than 6 weeks.

Vehicles must display the Shire logo on the driver's side door at all times.

### 2.2 Restricted Private Use

Means a Fully Maintained, Council Supplied vehicle allocated for use by an employee, their spouse or partner (only whilst the officer is also in the vehicle), for private purposes outside of working hours, except for periods of approved leave that exceeds two days.

Managers are permitted to retain the vehicle for private use within the area of the State of Western Australia south of the 26<sup>th</sup> Parallel including for periods of leave not exceeding four (4) weeks, where the vehicle is not required for operational needs. During all periods of leave (including using accrued RDO and TIL days) the Managers will be responsible for all fuel costs. Private fuel receipts are to be provided to Finance with vehicle details.

For all other employees, unless otherwise authorised by the CEO or provided for in contracts of employment:

- Vehicles may only be driven within a 250 kilometre radius of the Shire of Capel administration office at Forrest Road, Capel.
- Employees must make arrangements for the vehicle to be returned to the Shire Offices during periods of approved leave greater than two (2) days.

- Employees are responsible for all fuel costs for private use of the vehicle during periods of leave. Private fuel receipts are to be provided to Finance with vehicle details.

Vehicles must display the Shire logo on the driver's side door at all times.

### 2.3 Commuting Use

Means the use by the employee of a Fully Maintained Council Supplied vehicle for the purpose of commuting between the employee's place of employment and residence.

The only other private use of the vehicle is minor, infrequent and irregular private use (e.g. occasional use of the vehicle to remove domestic rubbish).

Commuting use restrictions apply to the vehicle allocated to the employee and all other Council employees using the vehicle.

Unless otherwise authorised by the CEO, the employee other than Managers must make arrangements for the vehicle to be returned to the Shire Offices during periods of leave greater than two (2) days.

Vehicles must display the Shire logo on the driver's side front door at all times.

### 3. Motor Vehicle Allocation

Allocation of a motor vehicle for private or commuter use may be based upon:

- The provision of a motor vehicle as a "job facility" e.g. positions which involve significant travel on behalf of the Council in fulfilling normal working requirements. This looks at not only the frequency of use by the position but also the type of business use the vehicle is required for; and/or
- The provision of a motor vehicle as a benefit for positions where it is considered appropriate to provide private use of a Council vehicle to attract and retain suitable staff while minimising the cost of remuneration packages. In determining positions for this purpose the CEO will take into account the position in the organisation's structure, the allocation of job responsibilities and the job market to determine competitiveness in that market, however the overriding requirement is to ensure that the vehicle purchased meets the needs of the position.

### 4. Work related travel

All reasonable efforts should be made to use a Council Supplied vehicle for work related travel. All work related travel using private vehicles requires prior approval from the Manager.

## POLICY APPLICATION

This Policy applies to all employees who have been given approval to use Council Supplied vehicles.

<b>Procedure:</b> <i>Staff - Vehicle Use</i>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Road Traffic Act 1974
<b>Reviewer:</b> Manager Human Resources	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0219, 24.02.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0408, 13.04.11 Minute OC1205, 17.12.14 Minute OC0204, 24.02.16 Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment 22.11.17</b> Insertion of a clause (1.6) to limit the distance within which an employee can reside for the purpose of commuting and private use.	

### INTRODUCTION

Whilst the wearing of a uniform is not a compulsory requirement of employment with Council, staff are encouraged to have a uniform standard of dress that reflects a professional image to the customer and community. The most advantageous way of achieving this goal is to adopt a suitable uniform design/s and provide an allowance to assist employees in purchasing some uniform on commencement of employment and on a regular basis thereafter.

### OBJECTIVE

To assist employees in the purchase of suitable clothing that can be worn during working hours as a Council approved uniform.

### POLICY STATEMENT

1. The approved uniform for which the subsidy will apply shall be Shire of Capel approved garments as listed in the Uniform Procedure for office based work purchased from Totally WorkWear:
  - Men's shirts – mid-blue, white or mid-blue/white stripes;
  - Women's shirts & blouses– mid-blue, charcoal or mid-blue/white stripes; and
  - Outerwear (pants, skirts, jackets, jumpers, vests, cardigans and dresses) – black or charcoal.
2. In order to comply with Australian Taxation Office non-compulsory uniforms registration, clothing purchased from Totally Workwear must have the:
  - Words 'Shire of Capel' on the left breast of shirts;
  - Shire of Capel logo on the left breast of outerwear; or
  - The Shire of Capel logo or the words 'Shire of Capel' on the right waist band or above the right rear pocket of skirts, pants and shorts.
3. Where employees choose to purchase the approved uniform, Council will contribute on an annual basis the amount as determined each year in the annual budget and published in the Uniform Procedure.
4. The amount Council will contribute on an annual basis, to each employee, will be based on the number of days worked in their employment as follows:
  - 4 or more days per week                      100% of annual allowance
  - Less than 4 days per week                      75% of annual allowance
5. Provision of the uniform allowance will only apply to permanent (full or part time) employees and not to casual employees.

6. In the first year of employment, an employee shall be entitled to double the annual allocation to enable them to purchase a complete uniform.
7. Employees on a casual, fixed or maximum term contract of less than 12 months will not be entitled to the annual allocation unless the appointment is extended to beyond 12 months or becomes permanent.
8. The annual allowance, including the initial double allowance, must be spent in the financial year it is allocated and no carryover of funds will be permitted.
9. Employees commencing employment or completing the probationary period on or after 1 April will be entitled to carry forward their uniform allowance until the commencement of the next financial year (1st July).
10. An employee may be instructed to wear protective clothing by an appropriate officer. Employees will be issued with protective clothing by the Shire of Capel. An employee must not modify, alter or change protective clothing under any circumstances unless they are directed to do so by an appropriate officer.

#### POLICY APPLICATION

This Policy applies to all full and part time permanent employees of the Shire of Capel and employees who are employed on a fixed term greater than 12 months.

<b>Procedure:</b> Uniform Procedure	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0812, 13.08.08 Minute OC0204, 24.02.16 Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment</b> 22.11.17 Inclusion of Policy Statement 7 excluding staff on contracts of less than 12 months from the annual allocation.	

## INTRODUCTION

As part of the ongoing professional development and training of employees, they are encouraged to attend relevant seminars, conferences, training courses and fact finding tours to network with other local government staff and keep up to date with accepted practices and delivery of services relevant to the local government industry. The policy endeavours to gain the maximum value from the annual budget allocation for training and conferences, whilst still ensuring that employees are adequately reimbursed for out-of-pocket expenses.

## OBJECTIVE

To encourage and assist employees in their professional development in attending relevant conferences, seminars, training courses and fact finding tours.

## POLICY STATEMENT

### 1. Conference Authorisation

Attendance by employees at relevant seminars, conferences, training courses and fact finding tours (within Australia) shall only be permitted if it has been approved by the Chief Executive Officer, Executive Manager or Manager of relevant division where budget provision has been made.

### 2. Conference and Training Expenses

The following shall apply for employees authorised under this policy to attend conferences

#### 2.1 Registration

The Council will pay all normal registration costs for employees which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

#### 2.2 Accommodation

The Council will pay reasonable double room or twin share accommodation costs for employees including the night before and/or after the conference where this is necessary because of travel and/or conference timetables which make it impossible to arrive at or return home in normal working hours. Where available, accommodation shall be normally booked at the venue.

## 2.3 Travel

- a. All reasonable travel costs for employees to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air and will be at economy rates. Any upgrade to business class in recognition of any physical disability of the attendee or if the distance and/or travelling time involved warrants such an upgrade shall require the prior approval of Council.
- b. Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the Director or Manager for that division. Employees using private vehicles in accordance with this policy may claim a mileage reimbursement at the rate contained in the *Local Government Industry Award 2010* applicable at the date of travel, subject to such costs not exceeding the normal full economy class air fare to and from the particular destination.
- c. Costs of vehicle hire, taxi fares, parking and meal expenses which are reasonably required and incurred in attending conferences, will be reimbursed by the Council.
- d. The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto may be paid in advance to the attendee for payment to the appropriate party.
- e. The partners of designated senior employees (Policy 3.26 Designated Senior Employees) are entitled to attend one authorised conference per year as an accompanying person with Council meeting conference programs and meal expenses, where the conference is within Western Australia. Expenses in relation to partner's tours, sporting events and other such activities, shall be the responsibility of the senior staff member.
- f. Council will generally not meet the cost of meals or refreshments for other persons. The main exception is where it is indicated that the meal or refreshments provide to another person is in response to a meal or refreshments previously received.
- g. A maximum allowance of reimbursement for refreshments of \$20 per day will be permitted during the conference or training dates, excluding days traveling to or from the conference or training and home.
- h. Where an employee is accompanied to a conference outside Western Australia, all costs for or incurred by the accompanying person, including travel, meals, registration and/or participation in any conference program, are to be borne by the employee and not by the Council. Accompanying person's registration or accompanying person's program fees will be paid by the Shire at the time of registration with the employee reimbursing the Shire when requested.

- i. Where an employee attending an approved conference or training program requiring overnight accommodation, elects to stay with relatives or friends at private accommodation, Council will pay an allowance of \$100 per night.
- j. Employees wishing to claim an allowance or reimbursement shall complete the 'Request to Raise a Payment' form. Mileage reimbursements should be made through payroll on timesheets.
- k. Where Executive Management Team employees attend conferences, seminars, fact finding tours, training and development, they shall be entitled to a daily allowance of \$25 for sundry expenses in addition to other expenses allowed under this policy. The daily allowance can be paid either prior to, or at the conclusion of attending conferences etc.
- l. A travel diary must be kept by an employer in respect of certain travel undertaken by an employee. There are two circumstances where a travel diary *must* be kept:
  - where an employee is travelling overseas for *more than 5 nights*; or
  - travel within Australia which requires *more than 5 nights* away from home *and* the travel was *not* exclusively for the purpose of performing employment duties.

### 3. Attendance at overseas conferences

Attendance by an employee at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events, etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the Council, following a report by the CEO or Director of relevant division, and such resolution shall specify and detail the conditions of attendance.

### 4. Fact Finding Tours

#### 4.1 Intent

A fact finding tour is designed to enable employees to travel intrastate, interstate and/or overseas, to research, study and lobby for specific issues confronting Council.

#### 4.2 Arrangements

Details of tours are to be arranged in advance so that suitable provision can be made on each year's budget. When arrangements are incomplete, an appropriate amount is to be included on the budget to cover the anticipated costs of the fact finding tour.

### 4.3 Approval

Council may approve attendance at fact finding tours but shall apply the following guidelines:

- a. The maximum attendance at any tour is to be two. Employees and any additional numbers require the approval of Council.
- b. Attendance at a tour shall only take place where there are appropriate funds provided for on the annual budget.
- c. A detailed report on each tour is to be submitted to Council.

#### POLICY APPLICATION

This Policy applies to all employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0459, 26.04.01	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07 Minute OC1205, 17.12.14 Minute OC0204, 24.02.16 Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment 22.11.17</b> Increased clarity concerning refreshments and the reimbursement claim process.	

## INTRODUCTION

Employees may be assisted to undertake courses of study at tertiary education institutions such as universities, technical colleges, accredited organisations and private companies. The pre-requisites for assistance are that the course(s) complement the organisation's goals and strategies and are relevant to the work of the employee.

## OBJECTIVE

To encourage studies for employees in courses relevant to their positions and to the local government.

## POLICY STATEMENT

### 1. Eligibility for Assistance

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

- 1.1 Approved courses shall be such that they will improve employees' qualifications and be appropriate to their current classification or advancement.
- 1.2 This policy only applies to permanent employees of the Shire of Capel.
- 1.3 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.

### 2. Time off for Lectures

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 following.

- 2.1 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.
- 2.2 Study release may, at the Chief Executive Officer's discretion, be waived from time to time under extreme workload conditions.
- 2.3 Each officer seeking time off to attend approved study courses will make an application in writing, using the 'Leave Application' form, to the Chief Executive Officer who may, subject to the recommendation of the Departmental Manager, grant or disallow the application.

### 3. 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.

### 4. Fee Reimbursement

4.1 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 up to a maximum of \$2,000 per semester.

4.2 All requests for financial assistance need to be submitted prior to December for adoption in the next financial year budget.

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

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

4.5 Council may pay in advance financial support (by way of an allowance) subject to the following conditions.

In the event that the employee is unsuccessful in completion of a semester's program or leaves Council's employment before 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 with full payment to be made within six months; or
- should the employee leave Council's employment, the amount outstanding is to be deducted from the employee's final pay.

4.6 Accommodation and meals will not be the responsibility of the Council whilst employees are undertaking a course of study.

### 5. Continuity

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

6. 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 educational organisation; or
- repeated subject failures associated with any study course.

7. Promotion

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

8. Responsibility

Each individual staff member is required to ensure that their eligibility for education and study assistance is maintained. The relevant Manager must ensure that this procedure is adhered to.

POLICY APPLICATION

This Policy applies to all employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0460, 26.04.01	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07 Minute OC0204, 24.02.16	
<b>Review Date:</b> December 2019	

Rescinded – refer to Policy 3.25, Recruitment and Selection

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b>	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0461, 26.04.01	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07	
<b>Rescinded:</b> Minute OC0204, 24.02.16	

### INTRODUCTION

The Shire of Capel is committed to providing a workplace that is free from health and safety risks. Council recognises that smoking and passive smoking can be hazardous to health and that non-smokers should be protected from the inhalation of tobacco smoke.

Environmental Tobacco Smoke (ETS) is smoke from burning tobacco that is present in the general environment and which people can inhale. It contains a complex mix of chemicals, many of which are known to be carcinogenic.

Council recognises that passive smoking is hazardous to health and that non smokers should be protected from the inhalation of tobacco smoke.

### OBJECTIVE

1. To ensure a smoke free workplace and work environment for all Shire of Capel employees, contractors and volunteers.
2. To protect employees, contractors, volunteers and elected members from the harmful effects of Environmental Tobacco Smoke.
3. To demonstrate commitment and compliance with the *Occupational Safety & Health Act 1984* and the *Health (Smoking in Enclosed Public Places) Regulations 2003*.

For the purpose of this policy Officer refers to employees, contractors, volunteers and elected members.

### POLICY STATEMENT

1. All Shire buildings and vehicles are a smoke free environment under the *Health (Smoking in Enclosed Public Places) Regulations 2003*.
2. The Shire of Capel will provide and maintain a work environment in which Officers are not exposed to the hazard of ETS.
3. Shire of Capel Officers are prohibited from smoking in all enclosed workplaces, including buildings and vehicle cabs.
4. Shire of Capel Officers are only permitted to smoke in areas that do not expose other Officers to ETS, and away from open windows and doors.
5. Shire of Capel Officers are not permitted to smoke during the course of work. Smoking is only permitted on designated breaks.
6. Officers, public facility users and visitors to work places where Council's smoking policy applies must be informed of the 'Smoking in the Workplace' Policy. They should be encouraged not to smoke by the use of strategically located and well-

designed signage; or if they wish to smoke, to do so in an open area and not within 10 metres of a Shire building or Shire vehicle.

- 7. Managers and Supervisors are responsible for monitoring smoking and ensuring compliance with this Policy.

**POLICY APPLICATION**

This Policy applies to all employees, contractors, volunteers, visitors and elected members.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Health (Smoking in Enclosed Public Places) Regulations 2003 Occupational Safety & Health Act 1984
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b> Policy 3.8 Staff – Vehicle Use Policy 3.14 Occupational Safety, Health and Wellbeing
<b>Amended:</b> Minute OC0426, 24.04.07 Minute OC0204, 24.02.16 Minute OC1102, 22.11.17	
<b>Review Date</b> December 2019	
<b>Amendment 22.11.17</b> Policy Statement 5 inserted, banning Shire Officers from smoking whilst at work, other than during designated breaks.	

## INTRODUCTION

The Shire of Capel is committed to ensuring the health, safety and wellbeing of its employees, volunteers, contractors, councillors and visitors within the working environment. As a consequence of this, the Shire of Capel encourages all of its employees to regard accident prevention and working safely as a collective and individual responsibility.

## DEFINITIONS

'*Responsible parties*' includes Shire of Capel employees, volunteers and contractors.

'*Working environment*' shall be defined as the environment where responsible parties undertake work as representatives of the Shire of Capel ie outdoors, events, within offices etc.

## OBJECTIVE

1. To ensure the responsible parties are aware of and carry out their responsibilities:
  - to comply with the *Occupational Safety and Health Act 1984* and the *Occupational Safety and Health Regulations 1996*, and
  - in ensuring the health and well-being of responsible parties and visitors.
2. In fulfilling this responsibility, all responsible parties of the Shire of Capel have a duty to provide and maintain, so far as is practicable, a working environment that is safe and with minimal risk to health.
3. The Shire of Capel is committed to continually improving Occupational Health and Safety at the workplace.
4. The Shire of Capel recognises that the wellbeing of its employees and as such commits to investing in proactive initiatives to encourage health and wellbeing within the workforce.

## POLICY STATEMENT

1. The Shire of Capel must, insofar as is practicable:
  - a. provide and maintain a working environment in which responsible parties are not exposed to hazards;
  - b. provide such information, instruction, and training to, and supervision of, employees to enable them to perform their work safely and effectively;
  - c. consult and cooperate with safety and health representatives and other employees regarding occupational safety and health at the workplace;

- d. provide the employees with adequate personal protective clothing and equipment to protect them against hazards, where it is not practicable to avoid the presence of hazards in the workplace;
  - e. provide the appropriate tools, equipment, facilities and other items necessary for maintaining a safe working environment;
  - f. investigate all accident, incident and hazard reports in order to eliminate or mitigate the cause of and level of risk;
  - g. make arrangements for ensuring the use, cleaning, maintenance, transportation and disposal of plant is carried out in a manner such that the employees are not exposed to hazards;
  - h. make arrangements for ensuring the use, handling, processing, storage, transportation and disposal of substances is carried out in a manner such that the employees are not exposed to hazards, and
  - i. comply with the *Occupational Safety and Health Act 1984*, the *Occupational Safety and Health Regulations 1996*, and other relevant legislation.
2. An employee shall ensure their own safety and health at work, and avoid adversely affecting the safety or health of any other person through any act or omission at work. Employees and volunteers have a responsibility to:
- a. report any accidents, incidents, near misses, potential or existing hazards at work to their manager or supervisor;
  - b. carry out their roles and responsibilities in accordance with the relevant safety and health policies and procedures;
  - c. obey any reasonable instruction aimed at protecting their health and safety while at work;
  - d. use any equipment provided to protect their health and safety while at work;
  - e. assist in the identification of hazards, the assessment of risks and the implementation of risk control measures;
  - f. consider and provide feedback on any matters which may affect their health and safety;
  - g. ensure they present for work in a state in which they are 'fit' to complete their duties; and
  - h. ensure they are not affected by alcohol or another drug which may endanger their own or any other persons' health and safety.

3. Contractors, councillors and visitors to the Shire of Capel are required to, in so far as practicable:
  - a. comply with the occupational safety and health policies and procedures established by the Shire of Capel; and
  - b. observe directions on occupational safety and health from designated officers of the Shire of Capel.
4. Any employee or responsible parties found to be breaching this policy may receive disciplinary action.
5. In accordance with the *Occupational Safety and Health Act 1984*, the Shire of Capel will establish a Safety and Health Committee consisting of management and employee representatives.

**POLICY APPLICATION**

This Policy applies to all employees, contractors, volunteers and elected members.

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**Chief Executive Officer**

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**Occupational Safety & Health Committee Chair**

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC1145, 22.11.00	<b>Other References:</b> AS/NZS 4801:2001 Occupational Health and Safety Management Systems
<b>Amended:</b> Minute OC0305, 20.03.13 Minute OC0204, 24.02.16 Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment 22.11.17</b> Councillors removed from the definition of 'responsible party'.	

### INTRODUCTION

This policy seeks to assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns including health, marital, family, financial, alcohol/drug, emotional, workplace, stress and any other problems that adversely affect job performance and personal wellbeing.

### OBJECTIVE

To:

- identify and resolve people issues;
- identify work performance concerns;
- assist people in coping with organisational and personal change;
- make available confidential counselling to employees who experience personal or work related problems such as family crisis, emotional distress or any other difficulty;
- make available crisis/critical incident counselling;
- save costs arising from staff turnover, absenteeism, accidents, grievance activity and workers compensation claims; and
- assist in enhancing organisational morale.

### POLICY STATEMENT

1. The Shire of Capel seeks to strike a balance between work performance, privacy and the concern of the individual. The Shire has no wish to intrude into the private lives of staff. However, the Shire has a responsibility to take action if problems of a personal nature are adversely affecting work performance, putting other employees at risk, creating personal health problems or bringing the Shire into disrepute.
2. Employee Assistance Programs (EAP) are designed to assist employees with personal and work related problems. The Shire of Capel recognises that an employee's wellbeing significantly impacts on the work environment and for this reason, also the Shire of Capel.
3. Counselling services can assist with problems such as interpersonal conflict, work related problems, relationships and family issues, emotional stress, financial difficulties, career issues, grief and alcohol/drug related problems.
4. Eligibility

The Employee Assistance Program is available to all employees.

Employees may be referred by the Chief Executive Officer (CEO), the Human Resources Manager, their Manager/Supervisor, or by self referral to appropriate outside counselling and support facilities. Information will be provided to staff

wishing to participate in the Employee Assistance Program, that outlines the services offered and relevant contact numbers to make a booking.

Employees can make bookings personally or request the assistance of the above mentioned Officers.

Employees are eligible to participate in 3 (three) one hour counselling sessions per year, costs of which will be met by the Shire of Capel. On consultation and advice from the EAP provider to the CEO, approval will be sought for up to another 3 (three) one hour counselling sessions per year, if needed.

To comply with Australian Tax Office requirements, employees need to attend all appointments paid for by the Shire of Capel. In special circumstances, the CEO may approve sessions for immediate family members subject to application in writing.

## 5. Leave Provisions

At the discretion of the Chief Executive Officer, paid time off during work hours may be allowed to an employee to attend the Employee Assistant Program up to a maximum of 6 working hours over a 12 month period.

## 6. Confidentiality

A vital feature of the program is the high level of confidentiality and respect for the employee's privacy. Information on all referrals under the Program will be in strict confidence. Confidentiality means that the Shire of Capel will not receive any information from the program or any of its counsellors concerning the employee's problem, other than contact in order to arrange for payment of the consultations, and a non-identifiable report. This report will advise the CEO of the number of employees using the service and the types of issues being counselled.

## POLICY APPLICATION

This Policy applies to all permanent full and part time employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0426, 24.04.07	<b>Other References:</b>
<b>Amended:</b> Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment</b> 22.11.17 Clause added re ATO requirements	

## INTRODUCTION

The Shire of Capel acknowledges that issues will arise in the workplace and all Officers have a right to express any genuine grievances or complaints via an impartial internal process.

## OBJECTIVE

The aim of this policy is to enable workplace grievances to be resolved promptly and effectively. All Officers involved in a grievance are expected to participate in good faith.

For the purpose of this policy 'Officer' refers to employees, contractors, volunteers and any person performing work for or with the Shire of Capel.

## POLICY STATEMENT

1. Shire of Capel Policy 3.2 Equal Employment Opportunity, Discrimination, Bullying and Harassment states the Shire's commitment to providing a safe working environment including a workplace that is free of discrimination, harassment and bullying.
2. Officers are encouraged to resolve grievances informally before raising grievances formally.
3. All Officers involved in grievances, investigations and resolutions will be afforded procedural fairness.
4. A grievance in the workplace may arise over a range of employment issues not limited to:
  - Payment of leave or wages;
  - Working hours, rosters or overtime;
  - Equal opportunities, discrimination or harassment;
  - Transfers and promotions, training and professional development;
  - Occupational Health and Safety;
  - Bullying; or
  - Other forms of unfair treatment which can have an adverse effect on either the employee or the work environment.
5. The Procedure for Grievance Investigation and Resolution outlines the processes that shall be followed should an employee raise a grievance.
6. Where an Enterprise Agreement, Award or other legislation is in place that provides different provisions, then that Agreement, Award or legislation shall take precedence over this Policy.

POLICY APPLICATION

This Policy applies to all employees, contractors, volunteers and any person performing work for or with the Shire of Capel.

<b>Procedure:</b> Grievance Investigation and Resolution	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0426, 24.04.07	<b>Other References:</b> Policy 3.2 – Equal Employment Opportunity, Discrimination, Bullying and Harassment Policy 3.17 – Performance management & disciplinary action
<b>Amended:</b> Minute OC0204, 24.02.16	
<b>Review Date:</b> December 2019	

## INTRODUCTION

The Shire of Capel is committed to helping employees perform at their best. The Shire of Capel acknowledges that issues of staff misconduct and unacceptable levels of behaviour or work performance may require disciplinary action. Any enquiry into an issue that may require disciplinary action will be managed in a fair, consistent and equitable manner.

## OBJECTIVE

It is the responsibility of employees and their leaders to ensure they are performing at their best. This policy assists leaders in managing poor performance and disciplinary issues in a timely manner.

## POLICY STATEMENT

### 1. Performance

The Shire of Capel is committed to creating a high performance culture. Employee poor performance will be managed in a fair, consistent and equitable manner.

### 2. Discipline

2.1 The Shire of Capel is committed to ensuring all disciplinary matters are managed with respect and in accordance with the Code of Conduct, other policies and legislation.

2.2 All matters requiring potential disciplinary action will be enquired into or investigated before any disciplinary action is taken.

2.3 Employees will be offered and encouraged to bring a support person to any disciplinary meetings.

2.4 The Shire of Capel will ensure that employees are treated fairly during counselling or disciplinary action where it has been deemed that the employee's performance or workplace conduct is unsatisfactory.

2.5 Any disciplinary action will only be taken when there are substantive reasons to justify the action.

2.6 Any disciplinary action shall ensure that all procedures and processes followed are fair.

2.7 The disciplinary action shall be conducted in accordance with established procedures which may be amended from time to time.

POLICY APPLICATION

This Policy applies to all employees, contractors, volunteers and any person performing work for or with the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0426, 24.04.07	<b>Other References:</b>
<b>Amended:</b> Minute OC0204, 24.02.16	
<b>Review Date:</b> December 2019	

*Rescinded see Policy 3.24, Community Service Leave*

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b>	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0426, 24.04.07	<b>Other References:</b>
<b>Amended:</b> Minute OCxxxx, xx.xx.xx	
<b>Rescinded:</b> Minute OC0204, 24.02.16	

*Rescinded see Policy 3.24, Community Service Leave*

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b>	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0426, 24.04.07	<b>Other References:</b>
<b>Amended:</b> Minute OC1205, 17.12.14	
<b>Rescinded:</b> Minute OC0204, 24.02.16	

Rescinded 26.07.17, OC0703 and replaced with standalone document, no longer part of Policy Manual.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Local Govt Act Local Govt (Administration) Regulations Local Govt (Elections) Regulations
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0842, 30.08.96	<b>Other References:</b> Policy 1.1 Media Contact Policy 2.21 Information Technology Policy 3.14 Occupational Health, Safety & Wellbeing Policy 3.20 EEO, Discrimination, Bullying & Harassment Policy 3.23 Social Media
<b>Amended:</b> Minute OC1119, 28.11.07 Minute OC1205, 17.12.14 Minute OC0204, 24.02.16 <b>Revoked</b> Minute OC0703, 26.07.17	
<b>Review Date:</b> December 2017	

### INTRODUCTION

As part of Council's ongoing employee attraction and retention strategy it is beneficial to provide reasonable reimbursement of relocation costs for new employees moving from intrastate and interstate.

### OBJECTIVE

This policy will allow the Chief Executive Officer (CEO) and Directors the flexibility to make decisions on the amount of relocation costs that will be provided to new employees when advertising new positions and negotiating with preferred candidates.

### POLICY STATEMENT

The CEO is authorised to determine any application for relocation expenses based on the following guidelines.

1. The relocation expenses are not to include any personal travelling expense.
2. Relocation expenses may be paid direct to the removalist company or by reimbursing the employee.
3. Expenses are to be paid only on the production of receipts.
4. Employees not completing 24 months service shall be required to refund removal expenses reimbursed by Council on a pro rata basis as follows:
  - 4.1 Less than 12 months' service – 100% of removal costs reimbursed by Council.
  - 4.2 Twelve months to 24 months' service – 50% of removal costs reimbursed by Council.
5. Relocation expenses paid to any employee shall not exceed \$5,000 for employees relocating within Western Australia or \$7,000 for employees relocating from outside of Western Australia unless otherwise approved by Council.

### POLICY APPLICATION

This policy applies to new employees relocating to commence employment at the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b>
<b>Reviewer:</b> CEO	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0512, 13.05.09	<b>Other References:</b>
<b>Amended:</b> Minute OC1205, 17.12.14	
<b>Review Date:</b> December 2019	

### INTRODUCTION

It is appropriate that employees who have provided exemplary service to the Shire of Capel during their period of employment over a reasonable period of time are recognised for the contribution that they have made while working with the Shire and when voluntarily leaving the employ of the Shire.

Council values the contribution to the Shire made by employees, and views a gift and minor function to enable colleagues to farewell the departing employee as appropriate recognition.

### OBJECTIVE

To provide a framework for the recognition of the contributions of employees of the Shire of Capel:

- when they reach significant service milestones (Service Presentations); and
- when they voluntarily leave the employment of the Shire (Termination Presentations).

### POLICY STATEMENT

#### 1. Service Presentations

- a. The Chief Executive Officer (CEO) is authorised to make a presentation of a token gift on behalf of Council to employees when service milestones are achieved. The gifts may be up to the value outlines below.

<i>Years of Service</i>	<i>Gift</i>
5	\$20
10	\$50
15	\$50
20	\$50
25	\$50
30	\$50

- b. Service presentations under this policy may be presented to the employee at the end of year function by the CEO.

#### 2. Termination Presentations

- a. The CEO, on behalf of the Council, is authorised to make a contribution to a gift for a departing employee of the Shire of Capel, up to the value outlined in the table below, and subject to other employees contributing additional funds for the gift.

<i>Years of Service</i>	<i>Council Contribution</i>
0-3	\$0
>3-5	\$50
>5-10	\$100
>10-15	\$150
>15-20	\$200
>20-25	\$250
>25	\$300

- b. Gifts under this policy may be presented to the employee at a minor function authorised by the Chief Executive Officer for this purpose to which other employees of the Shire of Capel shall be invited and where appropriate Councillors.
- c. The Council contribution to an employee's function for this purpose is not to exceed \$200 and wherever possible, if employees depart the employment of the Shire at a similar time, one function shall be held for several employees for cost effectiveness.

#### POLICY APPLICATION

The policy will be applicable to employees voluntarily leaving the Shire of Capel who have served a minimum of three years.

The policy shall be applied at the discretion of the Chief Executive Officer taking into consideration whether the employee was employed on a full-time or part-time basis, employment history of the employee and opportunities for the minor function to be combined for a number of departing employees.

#### POLICY APPLICATION

This Policy applies to permanent full and part time employees of the Shire of Capel.

<b>Procedure:</b> Nil	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Nil
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b> Nil
<b>Adopted:</b> Minute OC1205, 17.12.14	<b>Other References:</b>
<b>Amended:</b> Minute OC0204, 24.02.16 Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment</b> 22.11.17 Changed to include rewarding service during employment, not just on termination.	

### INTRODUCTION

The Shire of Capel understands the requirement to provide a framework for using social networking sites, including clarity on appropriate conduct, and emphasises the need for its employees to use good judgement about what appears and its context within these social media venues/spaces.

Social Media means forms of electronic communication (e.g. Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (e.g. videos). Some examples include (but are not limited to) Facebook, Pinterest, LinkedIn, Twitter and YouTube.

'Officer' means employee, contractor, volunteer or any other agent for the purpose of this policy.

### OBJECTIVE

The objective of this policy is to ensure all the Shire of Capel Officers are aware of appropriate professional and personal social media conduct to ensure the greatest benefit to the Shire of Capel.

This policy should be read in conjunction with:

- Policy 1.1 - Media Contact
- Policy 2.21 - Information Technology;
- Policy 2.22 - Electronic mail/internet; and
- Shire of Capel Code of Conduct.

### POLICY STATEMENT

1. Social media use for Shire of Capel purposes
  - 1.1 The Shire of Capel may direct specified employees to use social media for Shire of Capel purposes.
  - 1.2 Only Officers with appropriate training and knowledge who are expressly authorised in writing by the Chief Executive Officer may use social media for Shire of Capel purposes.
  - 1.3 If an Officer is provided with express permission by the Chief Executive Officer to use social media they must provide information that is truthful, accurate and in the interests of the Shire of Capel. They must not disclose anything that is commercially sensitive information, personal information about employees, or any information about Officers, suppliers or members of the general public.

1.4 Officers who are required to use social media in the course of their work must:

- spell check and proof read each post;
- understand the context before entering any conversation;
- know the facts and verify the sources;
- be respectful of all individuals and communities with which the person interacts with online;
- be polite and respectful of other opinions;
- seek to conform to the cultural and behavioral norms of the social media platform being used;
- if a mistake is made, the person must correct it quickly by disclosing it was a mistake (including the particulars of the correction) and inform their supervisor; and
- understand and comply with any directions given by the Chief Executive Officer on topics that are not to be discussed for confidential, operational or legal reasons.

1.5 An Officer required to use social media who has been trained and given express permission by the Chief Executive Officer should always be aware that the Shire of Capel may be liable for any posts made. Accordingly they should always seek guidance from their supervisor or the Chief Executive Officer if they are ever unsure about stating or responding to something on a social media site.

2. Personal/private use of the Shire of Capel’s corporate sites

2.1 An Officer cannot comment on behalf of the Shire of Capel unless expressly authorised by the Chief Executive Officer.

2.2 An Officer of the Shire of Capel is able to share links that the Shire of Capel has posted on the social media sites, or submitting a “like” action, or comment on an event, initiative and/or program, provided that it is in the best interests of the Shire of Capel.

3. Personal/private use of non-Shire of Capel sites

Officers who use social media for personal/private purposes must not infer or state they are speaking on behalf of the Shire of Capel and are reminded that any inappropriate postings or actions carried out on social media may result in disciplinary action.

#### POLICY APPLICATION

This policy applies to all Officers at the Shire of Capel who access social media for professional or social purposes whether via personal devices or those supplied by the Shire of Capel.

<b>Procedure:</b> Nil	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Local Government Act 1995, s2.7(2)(b)
<b>Reviewer:</b> Manager HR	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC1216, 16.12.15	<b>Other References:</b> Policy 1.1 – Media Contact Policy 2.21 – Information Technology Policy 2.22 – Electronic mail/internet Code of Conduct
<b>Amended:</b> Minute OCxxxx, dd.mm.yy	
<b>Review Date:</b> December 2019	

## INTRODUCTION

From time to time employees are required to take community service leave for certain activities such as:

- Jury duty;
- Voluntary emergency management activities; or
- Defence Reserves.

## OBJECTIVE

To enable employees to engage in Community Services and provide them with access to a reasonable amount of additional leave for the purpose of performing those functions when required.

## POLICY STATEMENT

1. Employees seeking to participate in volunteer emergency service organisations or defence reservists under this policy must provide certification or documentation that they have become members of a recognised volunteer service organisation or reservist. This record will be placed on the employee's personnel file and recorded electronically within payroll records.
2. Employees requiring access to Community Services Leave are to provide as much notice as reasonably practicable to the Shire of Capel.
3. Jury duty
  - 3.1 Jury Duty is a legal responsibility shared between all members of the community. Any employee who has been summonsed to Jury Duty should advise their Manager as soon as reasonably practicable.
  - 3.2 It is the employees responsibility to keep their Manager informed of the expected period of time they will be absent from work.
  - 3.3 Employees will continue to receive full pay for any periods of Jury Duty. The employee is required to provide evidence of attendance at Jury Duty to receive full pay, this includes attendance for the Jury selection process and attendance should the employee be selected on a Jury.
4. Volunteer emergency management activities
  - 4.1 The Shire of Capel recognises and supports the participation of employees in volunteer emergency organisations such as the State Emergency Service (SES), Volunteer Bush Fire Brigade and St John Ambulance as a positive and a vital role to the community.

- 4.2 Paid leave of up to 38 hours per calendar year will be granted to employees who are members of an approved volunteer emergency service organisation (such as SES, Volunteer Bush Fire Brigade and St John Ambulance) for the purpose of participating in training or service, at the discretion of the Chief Executive Officer, Director or Manager of the employees Division. This leave will be in addition to all other leave entitlements.
  - 4.3 Service or training in excess of 38 hours per calendar year is subject to the approval of the Chief Executive Officer and is conditional upon the likely disruption to the employee's work.
  - 4.4 Paid leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, personal leave or any other entitlements. Unpaid leave will be treated as leave without pay.
  - 4.5 Employees requiring access to leave to perform volunteer emergency services require the approval of the Chief Executive Officer, Director or Manager of the employees Division.
  - 4.6 Employees granted paid leave under this Policy shall be paid for time absent from duty up to the total of ordinary time usually worked in that day or period during the emergency, but not including time in excess of ordinary working hours, weekends or public holidays.
5. Defence Reservist
    - 5.1 The Shire of Capel recognises that the Australian Defence Reserves continue to be an important part of our national defence strategy and that support to Defence Reserves is essential to their continued effectiveness.
    - 5.2 This Policy applies to all employees who are Reservists and undertake training and/or service with the Australian Defence Forces.
    - 5.3 At the discretion of the Chief Executive Officer, paid leave or top-up pay may be granted to employees who are members of the Defence Forces Reserves for the purpose of participating in training or other defence service. This leave will be in addition to the use of annual leave or long service leave entitlements. Any other periods of leave for defence service shall be unpaid leave.
    - 5.4 Paid leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, personal leave or any other entitlements. Unpaid leave will be treated as leave without pay.

## POLICY APPLICATION

This Policy applies to all permanent full and part time employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Fair Work Act 2009 Defence Reserve Service (Protection) Act 2001
<b>Reviewer:</b> Manager Human Resources	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0204, 24.02.16	<b>Other References:</b>
<b>Amended:</b>	
<b>Review Date:</b> December 2019	

### INTRODUCTION

The Shire of Capel is committed to attracting and selecting the highest calibre individuals into appropriate positions within the organisation. This policy ensures recruitment is conducted in a manner that ensures fair process and complies with legislation.

Council believes that all organisations providing services to youth, children, the disabled and the elderly have a responsibility to ensure that the rights of program participants and users are adequately protected and that activities are conducted in a safe and healthy environment.

### OBJECTIVE

1. The purpose of this policy is to ensure that the Shire of Capel attracts and appoints the best candidate for every position by ensuring they have the necessary behaviours, skills, experience, qualifications and clearances to perform in the position they are appointed to.
2. Applicants will be required to return satisfactory results from the due diligence checking process prior to an offer of employment being made, including:
  - A Pre-employment Medical Assessment;
  - Police Clearance Check;
  - Reference Check; and
  - Working with Children Check (for required positions).
3. All information gathered during the recruitment and selection process will be stored on a restricted personnel file and will remain confidential.

### POLICY STATEMENT

1. Pre-Employment Medical Assessment
  - 1.1 Prior to employment, applicants are required to undertake a pre-employment medical assessment. The pre-employment medical is to be arranged by Human Resources.
  - 1.2 Applicants deemed suitable by the Medical provider will progress through the process. Applicants that are considered unsuitable by the Medical Provider, in line with the inherent requirements of the position, will not progress.
  - 1.3 The cost of the medical examination is to be met by Council, but the doctor or medical practice to be used is to be nominated by the Chief Executive Officer.

1.4 The Shire may use this information to assist employees with a pre-existing medical condition that might be exacerbated by their employment with the Council, to identify staff with a medical condition that might cause an abnormal increase in the risk of injury and to identify staff with special needs in relation to a medical condition.

## 2 Police Clearance Check

A Police Check will be arranged by Human Resources. Suitability will be determined taking into consideration the inherent requirements of the position. Candidates who do not meet the requirements will not progress.

## 3. Reference Check

Reference Checks will be undertaken by Human Resources. Referees are required to be supplied by the applicant as previous professional colleagues in a position senior to the applicant. Reference checks will be assessed in line with the position requirements and the Shire of Capel vision and values.

At least one, preferably two reference checks are to be undertaken.

## 4. Working with Children Check

4.1 Working With Children Checks, issued under the *Working With Children (Criminal Record Checking) Act 2004* have been introduced to provide compulsory criminal record checking to ensure a consistent and high standard of checking for certain people who work with children.

4.2 Positions that require a Working With Children Clearance will be documented in the position description. Applicants who apply for positions that have the potential to work with children are required to supply their own Working With Children Clearance before an offer of employment will be made.

4.3 Working With Children Checks shall be updated in accordance with the requirements of the *Working With Children (Criminal Record Checking) Act 2004*.

4.4 The cost of obtaining the Working With Children Check will be borne by the Shire of Capel.

## POLICY APPLICATION

This Policy applies to all prospective and current employees of the Shire of Capel.

<b>Procedure:</b>	
<b>Originating Section:</b> Human Resources	<b>Relevant Legislation:</b> Working With Children (Criminal Record Checking) Act 2004
<b>Reviewer:</b>	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute OC0204, 24.02.16	<b>Other References:</b>
<b>Amended:</b> Minute OC1102, 22.11.17	
<b>Review Date:</b> December 2019	
<b>Amendment 22.11.17</b> The word 'candidate' replaced by the word 'applicant'. Objective 2 clarified by requiring an applicant to return a satisfactory result from a pre-employment due diligence check.	

## INTRODUCTION

Section 5.37(1) of the *Local Government Act 1995* provides that “A local government may designate employees or persons belonging to a class of employee to be senior employees.” The designation of a position as that of “senior employee” places requirements in relation to the advertising of any vacancy occurring in that position.

## OBJECTIVE

To ensure compliance with the provisions of the *Local Government Act 1995*.

## POLICY STATEMENT

For the purposes of Section 5.37 of the *Local Government Act 1995*, the Council designates the following employees to be “senior employees”:

- Chief Executive Officer;
- Director Community & Corporate; and
- Director Infrastructure & Development.

## POLICY APPLICATION

The policy is applicable to those staff designated as ‘senior employees’.

<b>Procedure:</b>	
<b>Originating Section:</b> CEO’s Division	<b>Relevant Legislation:</b> Local Government Act 1995
<b>Reviewer:</b> CEO	<b>Delegated Authority:</b>
<b>Adopted:</b> Minute SC0122, 19.01.99	<b>Other References:</b>
<b>Amended:</b> Minute OC0426, 24.04.07 Minute OC0204, 19.02.14 Minute OC1204, 17.12.14 Minute OC0903, 27.09.17	
<b>Review Date:</b> December 2019	
<b>Amendment</b> 27.09.17 Moved to Section 3 Staff Policies from Section 1 Councillor Policies. Renumbered from 1.10 to 3.26	