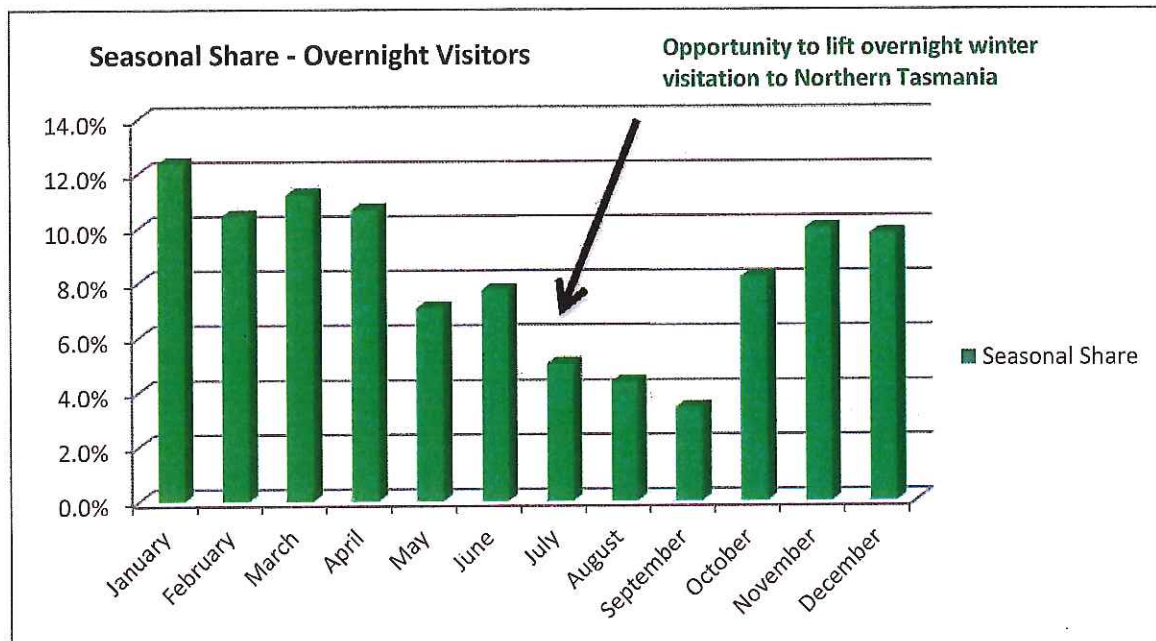
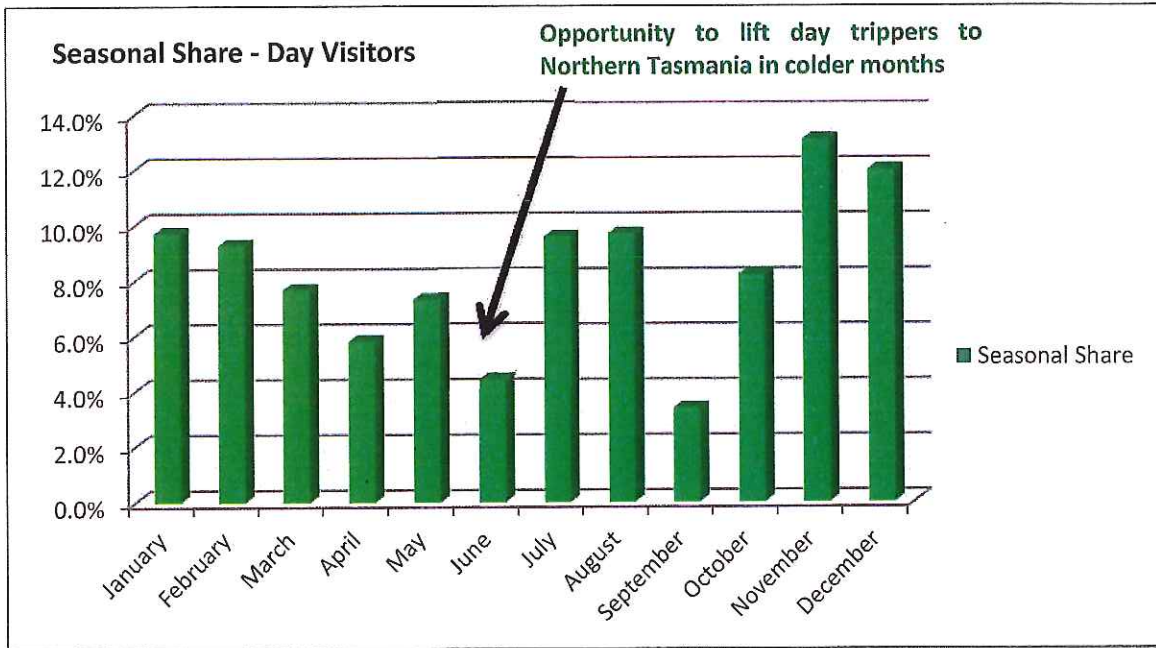


## SEASONALITY

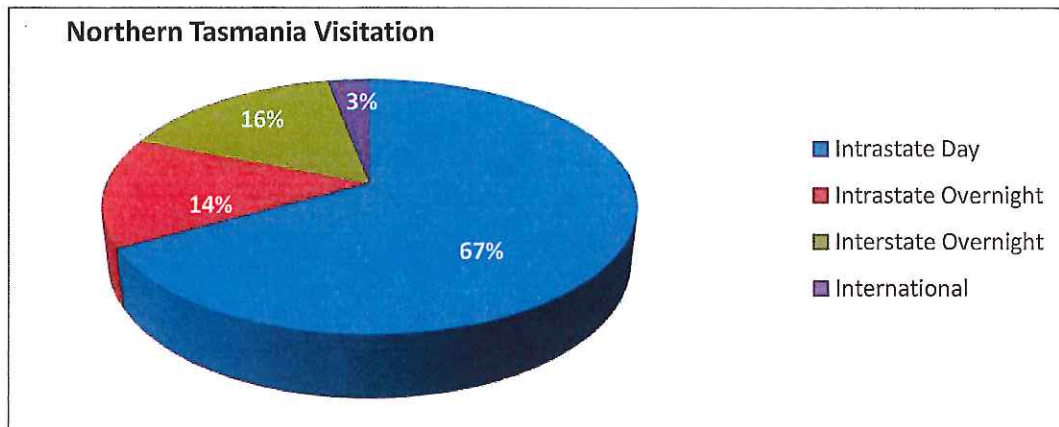
As would be anticipated, Northern Tasmania exhibits strong levels of seasonality in trading patterns. For overnight visitors<sup>34</sup> 64% of visitation is between November and April, while for day visitors, November and December is the peak period (25% of visitors). June and September are the quietest for months for day and overnight markets presenting an opportunity to Ben Lomond ski field area to grow visitation during this time.

**Figure 25: Northern Tasmania Seasonality**



<sup>34</sup> Source: IVS, NVS

Figure 26: Annual Visitation to Northern Tasmania, year ending March 2015



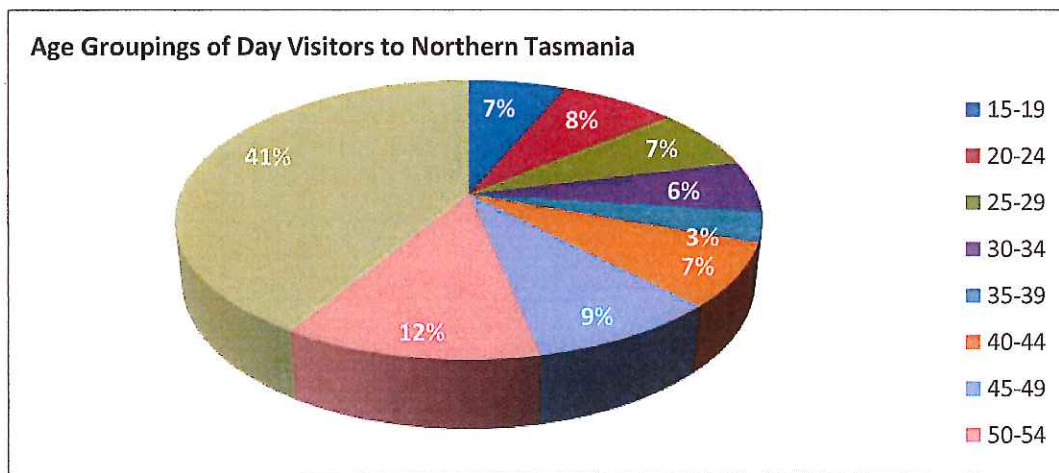
**PURPOSE OF VISIT**

Analysis of TVS shows that Northern Tasmania’s interstate visitor market is dominated by holiday visitors - 63% of all visitors, followed by VFR (21%), Business (12%) and Other (5%).

**SOCIO-DEMOGRAPHIC MAKE-UP OF VISITORS**

Older age groupings dominate North Tasmania’s day visitor market - 53% of the market is made up of visitors from the 50+ age groupings. International visitors also are dominated by older age groupings - 43% of visitors are in the 50+ age bracket. The 25-29 age grouping also attracts a notable proportion of visits (16%).

Figure 27: Age Groups of Day Visitors to Northern Tasmania<sup>35</sup>



The age grouping profile of interstate visitors differs a little from day and international visitors, with a more even spread of visitors across most age groups, however 44% of visitors still originate from the 55+ age groupings. Visitors under 25 represent a small proportion of the market at present (5%).

Other socio-demographic characteristics of interstate visitors to Northern Tasmania include:

- » 75% of interstate visitors have a partner and 25% are single/not part of a couple. Overnight domestic visitors tend to travel as families with children or older couple visitors
- » Couples with no children form the largest single group (43%), followed by families with older children (23%) and singles (16%)
- » Household income of visitors varies, however the largest single group of visitors (13%) have incomes in the highest bracket - \$200,000+. 44% of visitors have household incomes above \$104,000.

<sup>35</sup> Source: NVS, year ending March 2015

## Accommodation

As would be anticipated, hotels/motels are the primary type of accommodation used (37%), followed by using the homes of friends and relatives (19%). Caravan parks are utilised by 11% of visitors. There are different patterns in accommodation used by domestic overnight visitors in Launceston and other parts of the region, reflecting the greater range of hotel/resort/motel accommodation in Launceston and greater opportunities for camping etc elsewhere in the region.

## ACTIVITIES

Figures 19 to 21 show breakdowns of day, intrastate and interstate visitor participation in activities during trips to Northern Tasmania and the relative growth/ decline in these activities since 2012. Outdoor/nature-based activities are recognised as a key group of activity options for visitors to the region.

### Day Visitors

For the day visitor market<sup>36</sup>, as is the norm in most destinations, social activities (eating out etc) are the most popular activity (67%). Outdoor/nature-based and active/outdoor sports are participated in by approximately 25% of visitors. Both of these sectors have seen strong growth since 2012 - outdoor/nature-based participation growing by 29% and active outdoor/sports activities growing by 54%.

### Intrastate Overnight Visitors

For the intrastate overnight visitor market, analysis of the NVS shows that once again, social activities (54%) are the dominant group of activities enjoyed by visitors during trips, followed by outdoor/nature-based (19%) and active/outdoor sports (15%). Data analysis shows a 13% growth in outdoor/nature-based activities since 2012, with local attractions/ tourist activities also seeing strong growth during this period (31%). Intrastate participation in active outdoor/ sports (-6%) and arts & heritage (-32%) saw falls in visitor participation during the same time period.

### Interstate Overnight Visitors

Analysis of activities participated in by interstate visitors show a number of clear trends:

- » 78% of visitors take part in outdoor and other activities - the most popular group of activities
- » 52% of visitors visit national parks
- » 64% of visitors take part in bushwalking and other walks
- » The shorter the bushwalk distance, the greater the participation levels – bushwalks of less than 2 hours are enjoyed by 41% of visitors, compared to 23% for 2 to 4 hour walks, 10% for bushwalks of over 4 hours (not overnight) and 4% of overnight walks (or longer). Growth of 44% was seen in bushwalking of less than 2 hours between 2012 and 2015
- » Visiting historic sites/attractions attract participation from 50% of visitors - a grouping of activities that's seen 32% growth since 2012
- » The museums/galleries/craft shops/antique shops sectors are also popular with visitors - approximately 30% of visitors participate in these types of activities - all have also show strong growth in participation numbers since 2012
- » Participation in food and drink related activities have shown particularly strong growth since 2012 – Browsing at Markets (+33%), Visiting Wineries (+41%), Visiting Breweries/Distilleries (+59%) and Visiting Local Food Producers (+23%). Browsing markets is the most popular food and drink-related activity at present – taken part in by 41% of visitors
- » A wide range of niche sports and active outdoors activities are participated in by visitors - analysis of TVS data suggests participation levels in some of these activities has fallen during the period since 2012, including; golf (-12%), fishing (-33%) and canoeing/kayaking (-27%).

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<sup>36</sup> NVS, year ending March 2015

Table 12: Day Visitor Participation in Activities

Activities	Number of Day Visitors who Participated in an Activity During Trip	% of Participation During Trip	Growth/ Decline Since 2012
Outdoor/nature	232,285	13.0%	29.0%
Active outdoor/sports	172,368	9.5%	54.0%
Arts/heritage	101,180	6.0%	40.0%
Local attractions/tourist activities	73,635	4.0%	10.0%
Social activities	1,204,977	67.0%	1.3%
Other activities	6,072	0.5%	5.0%

Table 13: Intrastate Overnight Visitor Participation in Activities

	Number of Intrastate Overnight Visitors who Participated in an Activity During Trip	% of Visitor Participation During Trip	Growth/ Decline Since 2012
Outdoor/nature	89,542	19%	13.0%
Active outdoor/sports	72,325	15.0%	-6.0%
Arts/heritage	24,788	5.0%	-32.0%
Local attractions/tourist activities	32,451	7.0%	31.0%
Social activities	261,689	54.0%	3.0%
Other activities	2,745	0.5%	182.0%



**Table 14: Interstate Overnight Visitor Participation in Activities**

Activities	Number of Interstate Visitors who Participated in an Activity During Trip	% of Visitor Participation During Trip	Growth/ Decline since 2012
Visit historic houses	182,237	31%	35%
Visit historic sites/attractions	294,889	50%	32%
Visit antique shops	169,885	29%	23%
Visit museums	204,067	34%	44%
Visit galleries	171,761	29%	22%
Visit craft shops	226,033	38%	23%
Buy Tasmanian made art/craft	182,473	31%	15%
Attend the theatre/performing arts	35,232	6%	35%
Browse at the markets	246,504	41%	33%
Visit wineries	133,003	22%	41%
TOTAL Visit breweries/distilleries	101,017	17%	59%
Visit local food producer	197,721	33%	23%
Experience Tasmanian Aboriginal Culture	22,414	4%	36%
Bushwalk for less than two hours	201,750	34%	44%
Bushwalk for 2 to 4 hours	136,121	23%	44%
Bushwalk for over 4 hours (not overnight)	60,395	10%	10%
Bushwalk overnight or longer	21,107	4%	28%
TOTAL Bushwalking	333,235	56%	31%
Other walks (not a bushwalk)	108,666	18%	19%
TOTAL Bushwalking + other walks	378,300	64%	28%
Visit National Parks	311,304	52%	35%
Quad bike/4WD off-road	8,865	1%	-80%
Sail/yacht	8,603	1%	38%
Canoe/kayak/sea kayak	11,542	2%	-27%
Fish for trout	16,404	3%	-10%
Fish - other	17,952	3%	-33%
Scuba dive	2,561	0.5%	-27%
Cycle	11,446	2%	14% (since 2014)
Mountain bike	6,289	1%	83% (since 2014)
TOTAL cycle or mountain bike	15,259	4%	1%
Fly in a light aircraft/helicopter (scenic flight)	7,191	1%	6%
View wildlife in wildlife park/zoo	111,874	19%	30%
View wildlife not in wildlife park/zoo (from July 2005)	151,611	25%	25%
Play golf	22,694	4%	-12%
Visit gardens	148,802	25%	33%
Cruises - river or coastal (from July 2001)	159,278	27%	35%
Take a train journey (from July 2001)	28,587	5%	-15%
Travel as a backpacker	37,910	6%	18%
TOTAL Outdoor and other activities	461,766	78%	27%

## Appendix 2. Estimated Visitation Ben Lomond National Park

### Key points

- » There are approximately 49,900 visitors per annum to Ben Lomond
- » About three quarters of the visitors are Tasmanians
- » The majority of Tasmanians have heard of the Ben Lomond National Park, but actual visitation is much lower
- » Awareness and visitation is highest from the nearby areas – Launceston and the North East.

### Part A Data notes

The information in this report comes from two sources:

Study	Collected by	Scope and coverage
<b>2014 Community Monitor</b>	Instinct and reason, on behalf of the Parks and Wildlife Service and Tourism Tasmania	Includes – Tasmanian residents aged 15 and over.
<b>Tasmanian Visitor Survey</b>	Tourism Tasmania	Includes – visitors to Tasmania from interstate or overseas, aged 15 and over

The data collected by two different methodologies. Although many of the collection concepts are similar, the data is not strictly comparable. Therefore, the estimate of total visitors to Ben Lomond should be treated as an approximation only.

### Part B Disclaimer

This information was created by the Parks and Wildlife Service for its own purposes.

This information was created via surveys or other estimating procedures. While care has been taken to ensure the information is correct and accurate as possible, these results should be used for general information and should not be treated as perfect or exact.

Therefore, the Parks and Wildlife Service does not guarantee, and accepts no legal liability whatsoever arising from, or connected to, the use of any material contained in this report.

The Parks and Wildlife Service recommends that users exercise their own skill and care with respect to their use of this website and that users carefully evaluate the accuracy, currency, completeness and relevance of this material for their purposes.

This information is not a substitute for independent professional advice and users should obtain any appropriate professional advice relevant to their particular circumstances.

### Part C Summary

Source of study data	Visitors	Proportion	Time period	Notes
<b>2014 Community Monitor</b>	37,600 visitors	75%	Had visited at least once in the previous 12 months (up to early 2014)	1, 2
<b>Tasmanian Visitor Survey</b>	12,300 visitors	25%	Visited Tasmania in the 12 months ending March 2015	3, 4
<b>Total visitors to Ben Lomond</b>	<b>49,900 visitors</b>	<b>100%</b>	<b>Per annum – roughly in a 12 month period ending late 2014 through early 2015</b>	<b>5</b>

1. Data from the *2014 Community Monitor* is an estimate of Tasmanian residents who have been to Ben Lomond at least once in the previous 12 month period – but it does not count multiple visits by the same person
2. The estimate of 37,600 visitors from the *Community Monitor* has been calculated as follows:
  - a. The **Estimated Resident Population** of Tasmania in the 12 months ending June 2013 = 513,00 (Source: Australian Bureau of Statistics, *Australian Demographic Statistics*)
  - b. The Estimated Resident Population of Tasmania **aged 15 or over** = 418,000
  - c. Estimated proportion of Tasmanians who **visited Ben Lomond** at least once in the 12 months to early 2014 = 9% (Source: *Community Monitor*)
  - d. Therefore  $\rightarrow 418,000 \times 0.09 = 37,600$
3. The 12,286 visitors from the *Tasmanian Visitor Survey* equates to just over 1% of all visitors to Tasmania (that is 12,286 divided by 1,103,674 = 1.2% of visitors aged 15 or over to Tasmania in the 12 months ending March 2015)
4. The 12,286 visitors from the *Tasmanian Visitor Survey* has been rounded to 12,300
5. Total visitors = Total Tasmanians + visitors to Tasmania who visited Ben Lomond in a 12 month period.

## Part D – Community Monitor Results – summary

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### Background

In 2014, the market research company **instinct and reason** conducted the **2014 Community Monitor**.

Instinct and reason conducted this survey on behalf of the Parks and Wildlife Service and Tourism Tasmania.

This survey builds a picture of the Tasmanian community's holiday travel activity in the 12 months leading up to the study as well as its visitation and understanding of National Parks and Reserves – including **Ben Lomond National Park**.

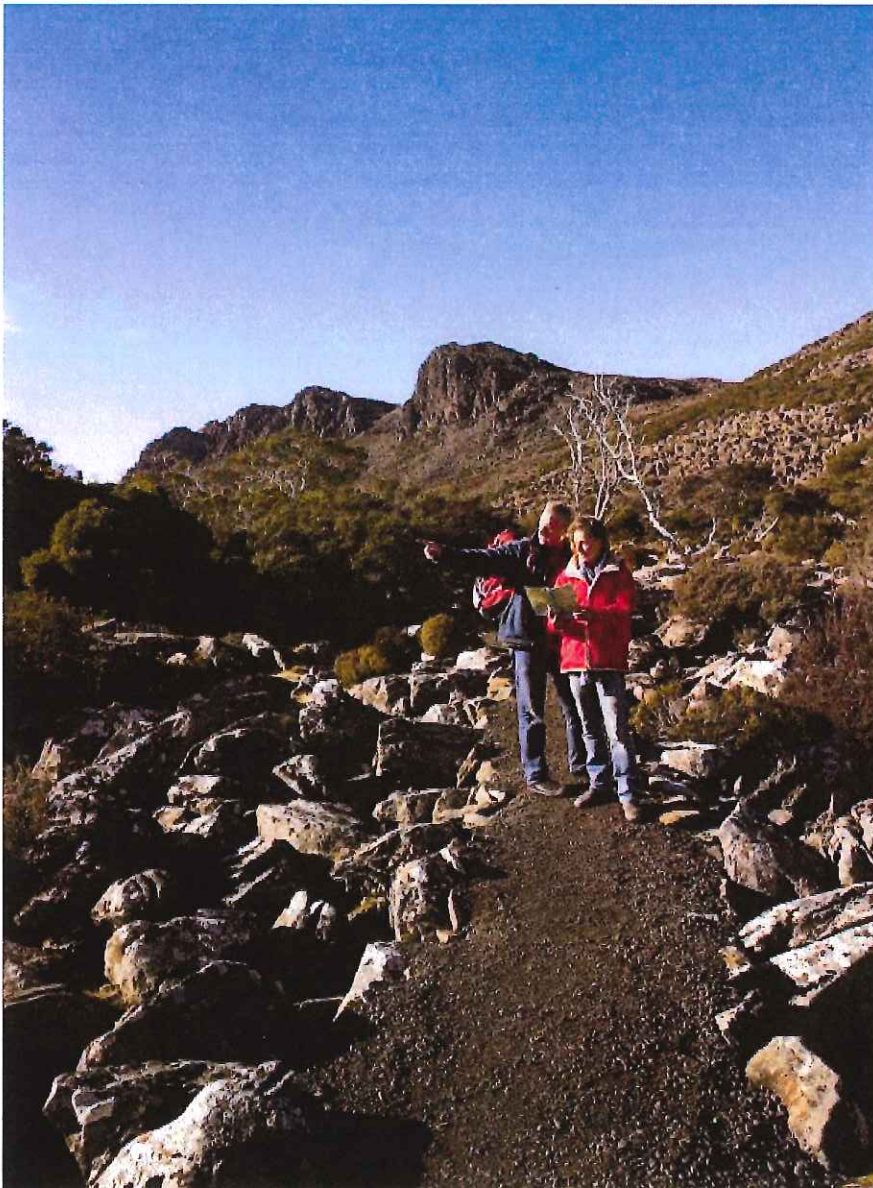
Instinct and reason collected data from a random sample of 1,014 Tasmanian residents (aged 15 or over).

### Awareness of Ben Lomond National Park

- » 65% of Tasmanian respondents said they were aware (knew about) the Ben Lomond National Park
- » Awareness was highest nearby, in the Launceston and North East region:
  - 59% of respondents living the Hobart region were aware of Ben Lomond
  - 59% of respondents in the South East region were aware
  - 76% of respondents in the Launceston and North East region were aware
  - 66% of respondents in the West and North West region were aware
- » Ben Lomond was one of the most well-known parks or reserves in the northern region – along with Freycinet National Park, the Bay of Fires, Maria Island National Park and Friendly Beaches
- » See Appendix A.

**Visitation to Ben Lomond National Park by Tasmanian residents**

- » Although awareness was high, the number of Tasmanians visiting Ben Lomond was much lower
- » Only 9% of Tasmanian residents (who had been to a National Park or reserve in the previous 12 months) went to Ben Lomond
- » Ben Lomond is not the only park or reserve where awareness is high but visitation was relatively low – for example, 63% of Tasmanians are aware of the Mole Creek caves, but only 11% visited in the previous 12 months
- » However, when thinking only about parks and reserves in the east region, Ben Lomond is **regionally important**. Of the Tasmanians who had been to a park or reserve in the East Region in the previous 12 months, Ben Lomond was ranked fourth after Freycinet, Bay of Fires and Friendly Beaches
- » Residents who lived nearby were – not surprisingly – more likely to have visited Ben Lomond
  - 12% of residents who lived in the Launceston North East region (who had visited a park or reserve in the previous 12 months) had been to Ben Lomond; compared to only 6% of residents who lived in the South East region of Tasmania
- » See Appendix B





## Appendix 3. Community Monitor – Awareness of parks and reserves

### Awareness of Parks & Reserves in Tasmania

The most well-known Tasmanian parks and reserves are:

1. Mt Wellington (80% of Tasmanians indicated they are aware of it)
2. Cataract Gorge (76%)
3. Port Arthur Historic Site (74%)
4. Cradle Mountain National Park (74%)
5. Freycinet National Park (70%)
6. Bruny Island (69%)
7. Bay of Fires (68%)
8. The Nut - Stanley (67%)
9. **Ben Lomond National Park (65%)**
10. Seven Mile Beach (64%)
11. The Franklin and Gordon Wild Rivers National Park (63%)
12. Mole Creek National Park (63%)
13. The Maria Island National Park (62%)
14. Richmond Jail Historic Site (61%)
15. Mt Nelson (60%)
16. Tahune Air Walk (59%)
17. Great Lake (57%)
18. Hastings Cave and Thermal Pool (57%)
19. Lake St Clair National Park (57%)
20. The Tasman Peninsular (56%)
21. The Tarkine (56%)
22. Lake Barrington rowing course (56%)
23. Liffy Falls (56%)
24. Cascade Female Factory historic site (55%)
25. Mt Field National Park (54%)
26. Friendly Beaches (54%)
27. Walls of Jerusalem National Park (52%)
28. Entally House (51%)
29. Flinders Island Castle Rock (50%).

### Awareness of Parks & Reserves in the East Region

Freycinet National Park is the park or reserve most frequently mentioned by Tasmanians in the East region but there were four more extremely well known parks or reserves in this region.

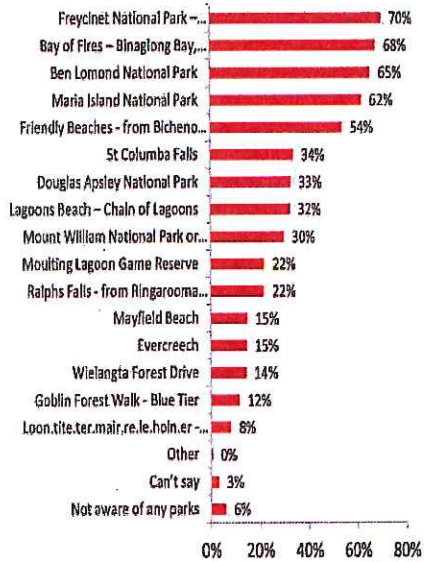
They include the Bay of Fires (68% aware), the **Ben Lomond National Park (65%)**, Maria Island National Park (62%) and Friendly Beaches (54%).

These are some of the most recognised parks and reserves in Tasmania.

In addition there were a number of well recognised parks and reserves that include St Columba Falls (34%), Douglas Apsley National park (33%), Lagoons Beach Chain of Lagoons (32%) and the Mount William National Park (30%).

These parks and reserves are best known by people living in the Launceston and the North East of Tasmania.

**Parks & Reserves known**



**Who knows them?**

Clg. Awareness of parks & reserves - East Region	Region			
	Hobart	South East	Launceston & North East	West & North West
n=	435	73	283	223
%	%	%	%	%
Freycinet National Park - Wineglass Bay	66	68	75	71
Bay of Fires	63	58	76	68
Ben Lomond National Park	59	59	77	66
Maria Island National Park	62	63	63	60
Friendly Beaches	54	60	56	49
St Columba Falls	28	30	47	29
Douglas Apsley National Park	36	33	35	23
Lagoons Beach - Chain of Lagoons	30	31	40	28
Mount William National Park ...	27	26	41	21
Moulting Lagoon Game Reserve	24	29	23	15
Ralphs Falls	20	12	31	16
Mayfield Beach	21	17	12	7
Evercreech	13	15	24	6
Wielangta Forest Drive	21	27	9	5
Goblin Forest Walk - Blue Tier	11	13	16	6
Loon, tite, ter, mair, re, le, hoin, er - Swansea	10	8	7	6
Other	1	0	1	0
Can't say	4	6	3	1
Not aware of any parks	6	10	4	7

QC1g. Which parks and reserves, if any, are you aware of in East Region?  
 Base: Total weighted sample (N=1014)

**[ASK ALL]**

**C1g. Which parks and reserves, if any, are you aware of in the East Region?**

Please choose all that apply

Note - the numbers in brackets are the codes for each site - they are not the number or per cent of visitors who are aware of each place

- Bay of Fires - Binaglong Bay, coast camping sites out of St Helens (81)
- Ben Lomond National Park (82)
- Douglas Apsley National Park (83)
- Evercreech (84)
- Freycinet National Park - Wineglass Bay (85)
- Friendly Beaches - from Bicheno or Swansea (86)
- Goblin Forest Walk - Blue Tier (87)
- Lagoons Beach - Chain of Lagoons (88)
- Loon, tite, ter, mair, re, le, hoin, er - Swansea (89)
- Maria Island National Park (90)
- Mayfield Beach (91)
- Moulting Lagoon Game Reserve (92)
- Mount William National Park or Eddystone Point, Musselroe Bay (93)
- Ralphs Falls - from Ringarooma or Pyengana (94)
- St Columba Falls (95)
- Wielangta Forest Drive (96)
- Other (Please specify) (997) \_\_\_\_\_
- Can't say (998)
- Not aware of any parks (999)

## Appendix 4. Community Monitor – Visitation to parks and reserves

### Which Parks & Reserves have been visited the most in 2014?

The most visited Tasmanian Parks or Reserves (all those with over 10% of visitors' attending) in the last 12 months are:

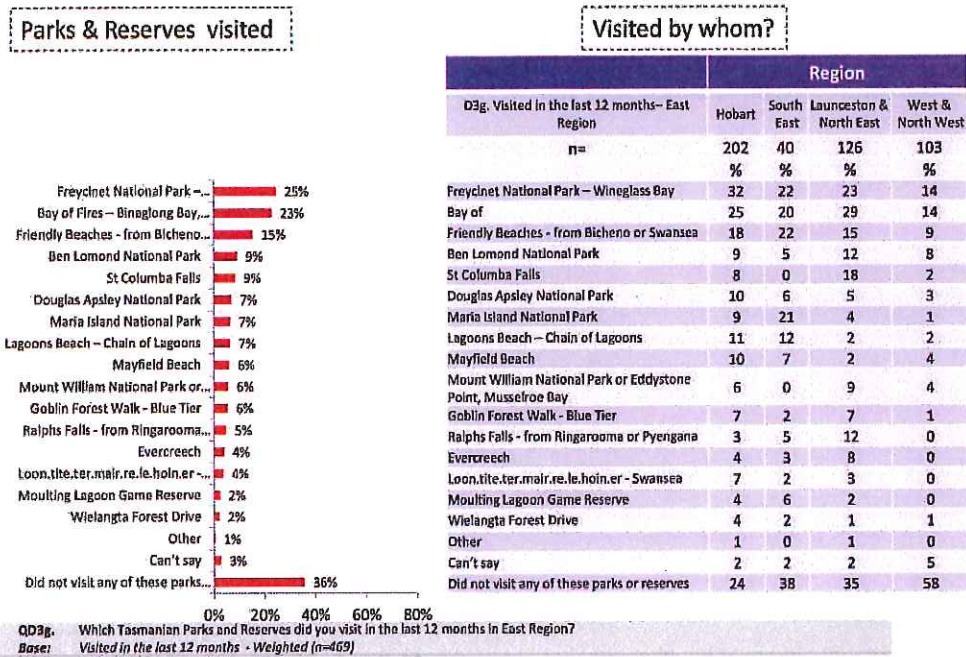
- » Cataract Gorge (visited by 47% of all Park and Reserve visitors in the last 12 months)
- » Mount Wellington (39%)
- » Seven Mile Beach (30%)
- » Cradle Mountain National Park (27%)
- » Freycinet National Park (25%)
- » Port Arthur Historic site (24%)
- » Bay of Fires (23%)
- » Mount Nelson (23%)
- » The Nut (22%)
- » Richmond Gaol Historic Site (21%)
- » Friendly Beaches Historic Site (19%)
- » Low Head Pilot Station (18%)
- » Tamar Island Wetlands (18%)
- » Mount Field National Park (17%)
- » Liffy Falls (17%)
- » Bruny Island (17%)
- » Kangaroo Bluff Fort (16%)
- » Cascade Female Factoroty Historic Site (16%)
- » Franklin and Gordon Wild Rivers (15%)
- » Duck Beach (13%)
- » Trevallyn Nature Reserve (13%)
- » Lake Barrington Rowing Course (13%)
- » Tasman Peninsular (13%)
- » HollyBank (12%)
- » Great Lakes (12%); and
- » Mole Creek (11%)
- » Ben Lomond (9%)

**Which Parks & Reserves have been visited in the last 12 months in the East Region?**

The most visited parks and reserves in the East Region was Freycinet National Park (visited by 25% of all Tasmanian park and reserve visitors of the last 12 months).

Bay of Fires was visited by 23 per cent of park and reserve visitors and the Friendly Beaches by 19 per cent.

Ben Lomond and St Columba Falls were both visited by 9 per cent of park and reserve visitors and the Douglas Apsley National Park, Maria Island National Park and Lagoons Beach by 9 per cent of park and reserve visitors.



**D3g. Which Tasmanian Parks and Reserves did you visit in the last 12 months in the East Region?**

Please choose all that apply:

Note – the numbers in brackets are the codes for each site –they are not the number or per cent of visitors who visited of each place

- Bay of Fires – Binaglong Bay, coast camping sites out of St Helens (81)
- Ben Lomond National Park (82)
- Douglas Apsley National Park (83)
- Evercreech (84)
- Freycinet National Park – Wineglass Bay (85)
- Friendly Beaches - from Bicheno or Swansea (86)
- Goblin Forest Walk - Blue Tier (87)
- Lagoons Beach – Chain of Lagoons (88)
- Loon,tite,ter,mair,le,hoin,er - Swansea (89)
- Maria Island National Park (90)
- Mayfield Beach (91)
- Moulting Lagoon Game Reserve (92)
- Mount William National Park or Eddystone Point, Musselroe Bay (93)
- Ralphs Falls - from Ringarooma or Pyengana (94)
- St Columba Falls (95)
- Wielangta Forest Drive (96)
- Other (Please specify) (997) \_\_\_\_\_
- Can't say (998)
- Did not visit any of these parks or reserves (999)

## Appendix 5. Values of Ben Lomond National Park

	Value	Development and Management Issues
<b>Ecological Processes</b>	<p>The condition of the soils, vegetation and drainage of the area and is important for the stability of the landscape and vegetation and for sustainable stream flow and water quality.</p> <p>The skifield area is a matrix of rocky exposed slopes, well drained areas, drainage runnels and boggy areas with a variety of alpine plant communities.</p>	<p>Soils, drainage patterns and vegetation are susceptible to damage from clearing and compression and subsequent erosion. Dry summer conditions can affect the success of revegetation. Lessening snow cover and loss of the insulating snow layer may also affect the viability of some vegetation communities through exposure to frost and soil erosion.</p> <p>There has been some damage and erosion due to ski infrastructure, oversnow vehicles and use of machinery.</p> <p>Runoff from the area and from sewage systems has the potential to affect downstream water quality and biota.</p>
<b>Flora</b>	<p>The 2010 Ski Slope Plan indicates that most plant species and communities in the area are well represented and protected in other parts of the Ben Lomond plateau or elsewhere.</p> <p>Two species listed as rare under the <i>Threatened Species Protection Act 1995</i> (TSP Act) have been reported near the ski slopes:</p> <ul style="list-style-type: none"> <li>• <i>Epilobium willisii</i> (Carpet Willowherb) – potentially under threat as it was previously reported near Bass Tow in an area that has since been groomed</li> <li>• <i>Scleranthus brockiei</i> (Mountain Knawel) – below the car park.</li> </ul> <p>Two species with unusual localised occurrence have been reported:</p> <ul style="list-style-type: none"> <li>• <i>Podocarpus lawrencei</i> (the slow growing dwarf Mountain Plum Pine)</li> <li>• <i>Hymenophyllum peltatum</i> (a fern).</li> </ul>	<p>The 2010 Ski Slope Plan maintains that the two listed species and the two species of interest would not be threatened by implementation of the Ski Slope Plan recommendations or by snow cover. <i>Epilobium willisii</i> near Bass Town may be affected by skiing on thin snow cover.</p> <p>Impacts on flora, including any species listed under the TSC Act, would need to be covered in the environmental impact assessment for any developments.</p> <p>Given apparent lack of recent surveys, a flora surveys is likely to be needed as part of the environmental assessment of any future developments.</p>
<b>Fauna</b>	<p>The 2010 Ski Slope Plan suggests there has not been a detailed fauna survey of the whole area. A range of fauna species is present including more common species such as <i>Macropus rufogriseus</i> (Bennett's Wallaby) and <i>Vomabutus ursinus</i> (Wombat).</p> <p><i>Dasyurua maculatus maculatus</i> (Spotted-tailed Quoll) has been observed living close to the ski area and village over many years. The Spotted-tailed Quoll is listed as rare</p>	<p>The impacts on listed species would need to be covered in the environmental impact assessment for any developments.</p> <p>Given apparent lack of recent surveys, a fauna surveys is likely to be needed as part of the environmental assessment of any</p>

	Value	Development and Management Issues
	<p>under the TSP Act and as vulnerable under the Commonwealth's EPBC Act.</p> <p><i>Aquila audax fleayi</i> (Wedge-tailed Eagle) has been reported near the ski area but there are no nests within the ski area itself. The Wedge-tailed Eagle is listed as endangered under both the TSP Act and the EPBC Act.</p>	<p>future developments. The 2010 Ski Slope Plan mentions that the area is within the geographic range of the vulnerable <i>Perameles gunnii gunnii</i> (Eastern-barred Bandicoot) and the rare <i>Pseudemoia rawlinsoni</i> (Glossy Grass Skink).</p>
<b>Geodiversity</b>	<p>The Ben Lomond plateau, including the skifield area, is listed on the Tasmanian Geoconservation Database for its glacial and periglacial features associated with Pleistocene (recent) glaciation.</p>	<p>The 2010 Ski Slope Plan maintains there have been some impacts on these features through rock removal and erosion, but that the affected values are well-represented outside the ski slopes.</p> <p>Impacts on geoconservation values (such as through rock removal and slope grooming) will need to be considered as part of any environmental assessment of developments.</p>
<b>Landscape and Scenic Values</b>	<p>The skifield is situated in a scenic alpine landscape with views of rocky summits and boulder outcrops on the plateau and extensive views out from the plateau. The skifield is adjacent to Legges Tor, the second highest mountain in Tasmania.</p> <p>The ski tows, cleared slopes and village have some visual impact on the natural landscape.</p>	<p>Impacts on landscape and scenic values will need to be considered as part of any environmental assessment of developments. This could also include consideration of ways to minimise visual impacts of infrastructure, equipment and litter in summer.</p>
<b>Cultural and Historic Heritage</b>	<p>The 2010 Ski Slope Plan maintains there are no recorded Aboriginal heritage sites in the ski slope area.</p> <p>There are five historic huts in the ski slope area, four listed on the Tasmanian Heritage Place Inventory but none listed under the <i>Historical Cultural Heritage Act 1995</i>.</p>	<p>Impacts on historic heritage places will need to be considered as part of any environmental assessment of developments.</p>
<b>Social Values</b>	<p>The Ben Lomond Skifield has social significance associated with its long term use for snow and mountain recreation. Access to the mountain was pioneered by the Northern Tasmanian Alpine Club in 1929. Accommodation and other ski facilities were developed by, or in association with, various ski and recreation clubs and there is still a strong tradition of community group involvement in management and operation of the skifields.</p> <p>Many Tasmanians value Ben Lomond as the only commercial skifield in Tasmania and many people have long term family connections with ski recreation in the area.</p>	<p>Impacts on social values will need to be considered in relation to any new developments and the way the public is consulted on any proposals.</p>



Policy Name:	Alcohol & Other Drugs Policy
Policy Owner:	Human Resources Officer and Work Health & Safety Coordinator
Originated Date:	April 2015
Amended Date/s:	August 2015
Review Date:	December 2016
Applicable Legislation:	<i>Work Health and Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation &amp; Compensation Act 1988 (TAS)</i>
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

The Northern Midlands Council (NMC) is committed to providing a safe, healthy and productive workplace. NMC recognises the misuse of alcohol and other drugs (AOD) may have a detrimental effect on individuals, the Council and its services. Misuse of AOD, (both legal and illegal) may contribute to health and safety risks and to workplace accidents which NMC aims to eliminate or at least minimise.

This policy contains NMC mandatory requirements for all employees, contractors and volunteers (workers) relating to AOD use.

The primary focus of this policy is to ensure people are fit for work. To facilitate this, NMC workers will receive education and awareness training about the effects of the misuse of AOD. Where an investigation however indicates that a breach of this policy or the associated procedure has occurred, action will be taken in accordance with the NMC AOD procedure

In approaching this sensitive topic and the impact AOD misuse may have on an individual's fitness for work, employees need to balance their own lifestyle choices and the obligation they have to themselves and with others whom they work. The Council believes it has established fair and accountable parameters which meet all its obligations in the implementation of this policy and the associated procedures.

Any employee who considers that they may have an AOD misuse issue that could impact on the workplace is strongly encouraged to seek advice and assistance. NMC can provide support through our confidential Employee Service Program or by contacting the Work Health Safety Coordinator.

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Workers who are taking prescribed or over the counter medication which may affect their judgement in any way and which could affect and/or impact the safety of that person or any other person within the workplace must notify their Manager in writing prior to commencing work.

Alcohol in the workplace is prohibited and a workers Blood Alcohol Content (BAC) must not be in excess of 0.00% for workers legally required to be at 0.00% and 0.02% for all other

workers. The only exception to this is if an authorised workplace function is being conducted in accordance with the NMC AOD Procedure. No individual under the age of 18 years will be provided with or served alcohol at NMC social functions.

Illegal drugs are expressly prohibited at NMC workplaces, authorised events and in Council vehicles. If tested an individual must not test positive to any drug group. The only exception is if it can be substantiated the individual was taking either medication prescribed for them or over the counter medication taken in strict accordance with the prescribed and or recommended use.

NMC will be implementing random AOD testing to ensure our workers are not under the influence of AOD during working hours. The testing will be conducted by an accredited provider and undertaken in accordance with privacy legislation. All workers must participate in these tests as and when requested to do so.

By strictly complying with the above requirements NMC believes it can satisfy its legal obligations and minimise any effect the misuse of AOD may have in providing a safe workplace.

For further detail refer to the NMC Alcohol and Other Drug Procedure.



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Procedure Name:	Alcohol & Other Drugs Procedure
Procedure Owners:	Human Resources Officer and Work Health & Safety Coordinator
Originated Date:	April 2015
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## 1. INTRODUCTION:

Northern Midland's Council (hereinafter referred to as "the Council") wishes to ensure, as far as is reasonably practicable, the safety and health of all people associated with its operations.

The Council is required to comply with legislative and other occupational health and safety obligations. The Council must take steps to ensure, so far as is reasonably practicable, it meets its obligations to employees, contractors and visitors, and conducts its operations in a safe and responsible manner.

The Council regards it essential all persons engaged in its operations are aware of and fully comply with all legislative and Council requirements.

The management of the risks associated with the use of Alcohol & Other Drugs (AOD) at work is essential to ensuring a safe and healthy work environment. Any individual present in the workplace who has consumed AOD could endanger lives, present a potential risk to safety and potentially cause damage to property and equipment, which the Council seeks to prevent.

This AOD Procedure ("the Procedure") combines a range of strategies including education/awareness training, Employee Assistance Programs, AOD testing and where necessary, the taking of action for a breach of this Procedure which may include disciplinary action (including termination) or action under a contractor's contractual arrangements (including termination).

This Procedure is intended to ensure all workers are in a condition to safely carry out their required work. The unauthorised use of AOD by workers is strictly prohibited. Any employee or contractor established to be in contravention of this Procedure shall be subject

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to the Council disciplinary policy and procedures, which may include termination of an employee's employment or a contractor's engagement.

If this Procedure is in conflict with any relevant legislation then that legislation must take precedence over this Procedure.

## **2. SCOPE:**

This Procedure applies to all workers of and to the Council.

The guidelines marked as Appendixes A - J at the rear of this Procedure form part of the Procedure.

## **3. DUTY OF CARE RESPONSIBILITIES:**

The Council and individual workers have obligations under the *Work Health and Safety Act 2012 (TAS)* and Regulations. The legislative obligations have been supplemented by Common Law and contract.

### ***Work Health and Safety Act 2012 (Tas)***

#### **Section 19 of the Act states:**

- (1) *A person conducting a business or undertaking must ensure, so far as reasonable practicable, the health and safety of:*
- (a) *workers engaged, or caused to be engaged by the person and*
  - (b) *workers whose activities in carrying out work are influenced or directed by the person – while the workers are at work in the business or undertaking*
- (2) *A person conducting a business or undertaking must ensure, so far as is reasonable practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking*

#### **Section 17 of the Act states:**

*A duty imposed on a person to ensure health and safety requires the person:*

- (a) *to eliminate risks to health and safety, so far as is reasonable practicable; and*
- (b) *if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonable practicable.*

#### **Section 28 of the Act states:**

*While at work, a worker must:*



- (a) take reasonable care for his or her own health and safety and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons and
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act and
- (d) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers

#### 4. DEFINITIONS:

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols in methyl and isopropyl alcohol, no matter how it is packaged or in what form the alcohol is stored, utilised or found. (The only exception is products which contain alcohol and are used for legitimate reasons in the workplace.)

**Approved Rehabilitation Program** means a rehabilitation program provided by an organisation with recognised expertise in the assessment, treatment and rehabilitation of people suffering from misuse of AOD.

**Authorised Function** means a function usually conducted in a Council controlled workplace where alcohol can be served. An authorised function shall require the written authorisation of the General Manager as specified in Appendix A.

**Blood Alcohol Content** or BAC means blood alcohol content as measured by breath analysis on an Australian standard compliant breath testing device when operated by an accredited technician and/or by laboratory analysis of a saliva sample.

**Council Event** means an event conducted outside the workplace at which alcohol is served. A Council event shall be conducted at a time clearly separated from the working day.

**Council Vehicle** means a vehicle owned, leased, hired or used by a worker for Council business. When used in this manner the vehicle is deemed to be part of the workplace. A vehicle is not deemed to be a Council vehicle (and therefore not part of the workplace) if it forms part of a worker's salary package and if and only if it is being used for private (i.e. non-work/business related) purposes within Council policy.

**Contractor** means any person who performs work for the Council either as an independent contractor or an employee of an independent contractor. For the avoidance of doubt and without limiting the generality of the above it also includes: sub-contractors and their employees, labour hire employees, outworkers, group employed apprentices/trainees and volunteers.

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**Employee** means an employee of the Council.

**Employee Assistance Program (EAP)** means a program incorporating established procedures for the referral to a specialist counselling service of employees with personal problems which may impact upon work performance. The EAP is provided via an independent organisation in order to ensure confidentiality.

**Illegal Drugs** means any drugs defined and specified as prohibited or illegal under any Federal, State or Territory legislation or for which:

- a medical prescription has not been issued to the person using the drug
- the level of consumption was in excess of the prescribed dose or in the case of over the counter medication the level of consumption was in excess of the recommended dose or not in accordance with warnings detailed.

For the avoidance of doubt illegal drugs do not include:

- medication prescribed for an individual and used by that individual in strict accordance with the prescribed dose
- over the counter medication used in strict accordance with the recommended dose and warnings.

**High Risk Activity** means a worker involved in the operation of plant and or activities detailed in Appendix J.

**Independent Testing Provider** means the specialist testing provider engaged by the Council to administer the AOD testing regime.

**Major Incident** means any incident which requires an investigation by workplace standards, hospitalisation or property damage which could result in an insurance claim.

**Manager** means a person who has responsibility for the supervision or coordination of a work group(s), department or work team, including delegated authority to direct workers within each work group.

**Must, Shall, Will** the words "must, shall and will" are understood to be mandatory.

**Personal Information** has the meaning given in the Privacy Act 1988 (Cth).

**Non-negative** means the result of a positive onsite AOD test.

**Positive** means the result of a sample confirmed as positive by a NATA accredited laboratory.

**Random** means anyone, anywhere, anytime during working hours.

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**The Council Health Professional** means an expert in AOD misuse issues selected by the Council to assist employees.

**Visitor** means person who attends any workplace of the Company who is not defined as a worker.

**Worker** a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire Council who has been assigned to work in the person's business or undertaking, an outworker, an apprentice or trainee, a student gaining work experience, a volunteer or a person of a prescribed class.

**Working Hours** means the time between the commencement and the conclusion of work activities on behalf of the Council on any one working day.

For the avoidance of doubt and without limiting the generality of the above, working hours includes:

- lunch or other meal or rest breaks
- work conducted away from the Council premises
- recalls and
- travel to and from work when the worker is using a Council vehicle

**Workplace** means any premises or place where a worker is or was employed or engaged in industry by the Council.

## 5. RESPONSIBILITIES:

### **Workers**

Workers must notify his or her manager in writing when undergoing medical treatment, taking prescribed medication or "over the counter medication" (OTC), in any circumstance where such occurrence is likely to affect safety in the workplace.

In circumstances where a worker is being treated for illness, taking prescribed or OTC and workplace safety is not considered an issue by their treating medical practitioner, they are encouraged to provide a certificate to their nominated employer contact verifying this advice. (Example certificate Appendix F)

To present for work at the designated commencement time of their roster in a fit state to carry out required tasks and in compliance with the Councils Policy and this Procedure.

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Workers must cooperate with the Council in relation to the application of this Procedure, including any request by the Council and/or the Council's independent testing provider to undertake an AOD test whether or not that test is conducted on a random basis.

***Managers***

Managers are responsible for the allocation of responsibilities for the compliance with this Procedure regarding AOD.

***Work Health & Safety Coordinator***

The Work Health & Safety Coordinator or that person's delegate will be the point of contact and the liaison person for the independent testing provider.

***Alcohol and Other Drug Testing Review Panel***

The AOD Testing Review Panel ("Review Panel") is responsible for implementing and monitoring AOD testing programs in accordance with the requirements of this Procedure. The review panel is also responsible for reviewing the Procedure as new, more efficient and effective methods of testing become available.

The review process could lead to changes being made to this Procedure should the review panel believe this necessary. The review panel will consist of the Human Resources Officer, the Corporate Services Manager, the Work Health & Safety Coordinator and a senior manager from the independent testing provider. The General Manager will be an ex officio member of the review panel.

***The Council Health Professional***

A Council Health Professional with relevant AOD knowledge and skills is responsible for:

- assessment of workers referred by management
- implementation and monitoring of rehabilitation and
- advice as required

***The Independent Testing Provider***

The Independent Testing Provider must undertake all tasks associated in the management of this Procedure with the highest levels of propriety and in accordance with all relevant standards.

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**6. REQUIREMENTS:**

***The Use, Sale, Possession, or Distribution of Alcohol and Other Drugs***

During working hours, workers and visitors must not, without written authority from the General Manager:

- consume alcohol
- distribute alcohol
- sell alcohol
- be in possession of alcohol (unless as received in an unopened gift)
- attend the workplace with a blood alcohol content exceeding 0.02% or if required by law, or specified as a high risk activity (Appendix J) 0.00%

During working hours workers and visitors must not:

- consume illegal drugs
- distribute illegal drugs
- sell illegal drugs
- be in possession of illegal drugs
- if tested for illegal drugs, return a "positive" test result

For the avoidance of doubt, this Procedure is specifically intended to include the consumption of AOD outside working hours, which could impact upon the individual during working hours.

Should it be suspected illegal drugs are in the workplace or corporate vehicles, the Police must be notified.

***Alcohol***

Gifts of alcohol received in accordance with Council Policy must be stored unopened and removed unopened from Council premises or Council vehicles at the end of each working day.

***Authorised Functions and Council Events***

The Council recognises there may be occasions where workers may consume alcohol at authorised functions and/or Council events. On such occasions, alcohol may be served, however if consumed, must be consumed in a responsible manner. Having consumed alcohol at an authorised function or Council event, workers must not return to or commence working if in contravention of the Policy or this Procedure.

An authorised function/Council event must comply with each of the following requirements:

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- authorised in writing by the General Manager if alcohol is to be distributed or consumed on Council premises during the working day
- conducted at the conclusion of the working day or outside working hours of workers attending the function
- a member of the relevant management team is appointed as being responsible to ensure the function is conducted in full compliance with defined criteria (see Appendix A)
- conducted in an area designated by a management team member and which does not require the participants to enter any areas of an operating workplace

Appropriate controls on distribution and consumption of alcohol at Council events must be applied. Control measures must be consistent with the principles which apply at authorised functions.

### ***Visitors***

Visitors who enter any area other than a public access area of any workplace are required to have a BAC not exceeding 0.02% and must not register a “positive” test result for any illegal drugs. The responsible manager must take appropriate measures to ensure the safety of any visitor to any workplace who may exhibit symptoms consistent with the effects of AOD use and arrange for their prompt removal from the site.

### ***Compliance and Disciplinary Action***

#### ***Employees***

Where an investigation suggests that a breach of this Procedure has occurred other than a random testing breach then action must be taken in accordance with the Council’s disciplinary policy.

For the purposes of applying the Council’s disciplinary policy any of the following occurrences are deemed to constitute “serious misconduct” and if proven, may result in the employee’s summary termination of employment (i.e. without notice and without the necessity to have received a previous warning).

- Substantiation that an employee is found to be in possession of, or sold or distributed illegal drugs in the workplace or from a Council vehicle
- Refusal to take an AOD test when requested by an accredited technician
- Major incident or near miss arising out of, or caused by a breach of the Policy.
- Any other matter where the circumstances of such a breach meets the definition of “serious misconduct” in the Council’s disciplinary policy, industrial instrument or Fair Work Regulation 1.07



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### ***Random Testing Breaches***

Should an employee breach this procedure as a result of a random AOD test (i.e. returning a positive result) and not breach any other section of this Procedure or any other corporate policy, procedure or legislative requirements, then the following shall apply:

- On the first breach a first written warning and an offer to participate in the EAP
- On the second breach, if the employee is prepared to participate in the EAP, a second and final written warning
- On the third breach, or where an employee refuses to participate in the EAP, or fails to participate to a satisfactory standard, the employee's employment will be terminated

### ***Contractors***

Any contractor who fails to comply with the requirements in this Procedure will be denied access to workplaces. Furthermore, the Council reserves the right to take such action as it deems appropriate as a consequence of the contractor's conduct, including reviewing and/or terminating any contract in which the contractor is involved.

A contractor who exceeds the prescribed BAC must not return to a workplace until he/she can demonstrate a BAC required by this Procedure. A contractor who tests positive to illegal drugs must not return to a workplace until he/she tests negative.

In both cases, testing must be undertaken by an accredited technician from the independent testing provider. The cost of such testing must be met by the contractor.

### ***Information, Advice and Education***

Information on the:

- relevant WH&S Law
- Council Policy and this Procedure regarding AOD
- health implications of the misuse of AOD
- implications of privacy and confidentiality and
- understanding what to look for in terms of behaviour of someone affected by AOD

will be provided (see Appendix B). Employees and contractors must attend such education at the request of the Council.

Employees and contractors will receive induction training on the Policy and this Procedure.

Training records will be maintained for at least seven years.

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Regular information and/or training will be provided as part of ongoing health promotion programs.

The requirement to comply with this Procedure will be incorporated in contractor agreements and into the induction of individual contractors.

Visitors will be required to comply with this Procedure when entering any Council workplace.

***Employee Assistance Program***

The Council recognises that the misuse of AOD are often treatable conditions. Assistance with the rehabilitation of employees suffering from problems related to the misuse of AOD may be provided through the Council Employee Assistance Program (EAP). (Such management process must not detract from the Council's ability, at any time, to apply its disciplinary procedures.)

An Employee with problems related to the misuse of AOD may seek assistance from:

- their manager
- the Work Health & Safety Coordinator
- the Employee Assistance Program
- a Council Health Professional and/or
- their own treating doctor

This approach and any information provided must be treated in the strictest confidence. Information must not be released to anyone who is not directly involved in the advice process, without a specific written authorisation by the employee who has provided the information.

Confidentiality of medical information must be maintained. However, general advice on an employee's progress in a rehabilitation program must be provided to the Work Health & Safety Coordinator.

An Employee has access to all existing personal leave entitlements whilst satisfactorily participating in an approved rehabilitation program or whilst analysis of a non-negative test is being completed.

Following consultation, an employee may be transferred from his or her normal position, where continuation in that position may compromise health and safety of that employee or other employees and contractors and/or the safety of the Council's operations.



### ***Alcohol Self-Testing***

To assist individuals ensure compliance with the BAC requirements, the Council will make self-testing alcohol devices available.

Workers are encouraged to use the self-testing alcohol devices before presenting for work to confirm their BAC level, if they are in any doubt of compliance.

Where an individual voluntarily undertakes an alcohol self-test and the result is greater than their maximum permitted level is returned and the individual discloses this result immediately to their manager, no disciplinary action will be taken unless this occurs regularly and the employee has been previously advised in writing that disciplinary action will be considered for future breaches.

Employees will have access to any accrued annual leave, rostered days off, time off in lieu or unpaid leave for the period that they are delayed from commencing work.

When a manager is advised of an alcohol self-test result greater than the workers maximum, in any subsequent action the manager must take into consideration relevant Workplace Safety Laws, the Council's Policy, this Procedure and any other safety related information to ensure compliance and the wellbeing of the individual.

### ***Testing for Alcohol and Other Drugs Must Be Undertaken***

Workers can be tested for AOD in the following circumstances:

During pre-employment medical assessments for job applicants and for change in employment status, e.g. from casual to full-time (Pre Employment Testing).

- Where reasonably required by a customer or regulatory authority
- Following any major incident or where a worker may have or has breached safety precautions or procedures (incident test)
- Where there are reasonable grounds based on:
  - observations or information provided to the responsible manager of any abnormal conduct or behaviour which may involve the misuse of AOD or
  - any evidence of possible illegal drug use (e.g. suspected drugs and or drug related equipment apparent)

Periodic testing of workers must also be undertaken following satisfactory completion of a rehabilitation program or following a positive test result for the misuse of AOD for a period of one year (Cause Testing).

Random testing whenever required (Random Testing).

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***The Program***

The Program must be monitored by the review panel.

The Procedure is to be applied at all times when testing for AOD. Guidelines for conducting tests are detailed in Appendix D.

The Council acknowledges some of its customers and/or associated businesses may have their own Fit for Work/Alcohol & Drug Policy/Procedure. The Council will use its best endeavours to establish what that Policy/Procedure may be and educate its staff on that Policy/Procedure. On some occasions however it must be recognised this may not be possible.

Whenever an employee of the Council is in attendance at a customer's/associate's workplace the onus is ultimately on the employee to fully comply with that particular customer's/associate's Fit for Work/Alcohol & Drug Policy/Procedure, whatever that procedure may be (this may include testing which is not consistent with this Procedure).

The following response must be taken to non-negative test results:

Non-negative to Alcohol:

- Ensure the employee is safely returned home

Non-negative to Other Drugs:

- Ensure the employee is safely returned home unless an employee declaration (Appendix I) has been completed by an individual and provided to and accepted by the Work Health & Safety Coordinator

Returning to work:

- Before recommencing work, the employee must be tested and must return a negative test result. Such testing must be undertaken by the independent testing provider

If anyone other than an employee returns a non-negative test, that person will be placed in a safe location and their manager advised of the circumstances and requested to remove the person from the site as soon as possible.

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**7. PRESCRIBED AND OVER THE COUNTER MEDICATION:**

***Prescription Medication***

Any worker who has been prescribed medication by a medical practitioner will not be in contravention of this Procedure as a result of being in possession of or taking that medication provided that:

- the worker has disclosed to the medical practitioner concerned the position that he/she occupies, the tasks he/she is required to perform and the medical practitioner does not believe the prescribed medication will in any way affect that person's ability to work safely, and/or effectively perform the inherent requirements of their job, and
- the consumed level of the prescribed medication does not exceed the level that the Worker has been prescribed to take.

***Over the Counter Medications (OTC)***

Workers who have taken OTC will not be in contravention of this Procedure provided that the OTC was taken in strict accordance with the manufacturer's recommended dose, directions and warnings. Workers must seek advice from their pharmacist with respect to the impact any OTC may have on their ability to work safely.

***Written Advice***

Should there be any potential for safety to be compromised in any way by the use of either prescribed or OTC, or where there is any doubt, then the worker must advise their nominated employer contact in writing. Prescription Drug Notification/OTC Notification Appendix F.

**8. TESTING PROGRAM, HANDLING TEST RESULTS, RETAINING RECORDS, PRIVACY AND CONFIDENTIALITY:**

***Testing Program and Handling Results***

The Council will carefully select and monitor all persons responsible for administering the testing program, and must implement measures to ensure appropriate standards are maintained. Samples will only be used for the purpose of testing for the presence of AOD.

***Retaining Records***

Copies of all results will be retained for a minimum of seven years from the date of creation. Access to copies of results of all AOD tests must be made available to the worker upon request. Records are maintained separate from Workers' general personnel files.

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***Privacy and Confidentiality***

The Council must not use personal information collected from workers in a manner that contravenes the Privacy Act or this Procedure.

Information obtained in the process of conducting tests must be treated in the strictest confidence. Individual test results must not be released to anyone who is not involved in the testing/rehabilitation process, without specific authorisation by the worker who was tested, to release the results to others, except as follows:

- the worker has agreed to release information for rehabilitation or a return to work program in which the results of the test must be known to facilitate further action concerning the worker
- when the results of the test become subject to a dispute, however the information may only be released to other parties on a “need to know” basis
- when complying with any legal requirement

**9. Dispute Resolution:**

Please refer to Council’s Dispute Resolution Process, as detailed in the *Northern Midlands Council Workplace Agreement*.

Disclaimer

**Integrity Sampling** acknowledges having provided assistance with the development of this Procedure.

**Integrity Sampling** recommends its clients obtain independent legal advice in respect to this document prior to implementation.

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**APPENDIX A:**

**GUIDELINES FOR THE CONDUCT OF AUTHORISED FUNCTIONS**

An authorised function must have a clearly defined purpose and be authorised in writing by the General Manager.

Alcohol must not be displayed, made available or offered in a manner which encourages excessive consumption (e.g. unsupervised self service).

In addition to alcohol, soft drinks and low alcohol beverages must also be offered.

An authorised function must be personally supervised by a member of the relevant Management Team (or their delegate) who must be responsible for:

- Control of alcohol distribution at the function
- Cessation of alcohol distribution at the designated time (maximum of two (2) hours) and
- Consideration of a participant's ability to return home safely

Where the supervisor of the function believes that alcohol consumed by a participant will preclude a safe return home, transport at Council expense must be offered.

Workers are required to accept an offer of safe transportation made by the supervisor of the function.

Any person under the age of 18 years or learner or provisional drivers licence holders who may be driving or riding, must not be served alcohol.

Drinking contests or games of any sort which involve the consumption of alcohol are expressly prohibited.

Illegal drugs are expressly prohibited.

**APPENDIX B:****INFORMATION, ADVICE AND EDUCATION PROGRAMS**

Employees and contractors will receive information on:

- The law in respect to alcohol & other drugs
- Council's Policy and Procedures on the misuse of alcohol and other drugs
- The health implications of the misuse of alcohol and other drugs
- The effects of the misuse of alcohol and other drugs on safety
- How to ensure they present fit for work and
- The early detection of problems related to the misuse of alcohol or other drugs

In addition to the above managers will be trained in:

- Duty of care responsibilities
- Recognition and documentation of performance or behavioural problems suggestive of a potential problem relating to the misuse of alcohol or other drugs, including recognition of behaviour consistent with a person being affected by alcohol & other drugs
- The responsibilities of managers for the implementation of the Council's Policy and Procedures
- Referral procedures for specialist assistance
- Privacy, confidentiality and disciplinary procedures
- Employee and contractor benefits while participating in the rehabilitation program



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**APPENDIX C:**

**GUIDELINES FOR THE MANAGEMENT OF EMPLOYEES WHO SEEK ASSISTANCE FOR PROBLEMS CONSISTENT WITH ALCOHOL OR DRUG MISUSE**

An employee with problems related to the misuse of alcohol or other drugs (AOD) is encouraged to seek assistance from their manager or the Employee Assistance Program as soon as practicable.

An employee who has reasonable grounds, based on observations of abnormal conduct or behaviour or incidents in which safety is compromised, to suspect a problem in another person, must bring the matter to the attention of their manager as soon as practicable. Complaints determined to be vexatious following investigation will be treated in accordance with the Council Disciplinary Policy.

Where an employee raises concerns regarding another employee, the manager must make appropriate inquiries as soon as practicable, e.g. observe the employee in an attempt to confirm whether or not there is a potential problem.

Where a problem may exist, the manager must as soon as practicable discuss the matter with the employee (the manager must not attempt to diagnose the problem).

The employee must be referred to the Employee Assistance Program should a problem be identified. The referral can be initiated by either party.

Where a problem related to AOD misuse is confirmed, the employee must be referred to an organisation with recognised expertise in the assessment, treatment and rehabilitation of people suffering from misuse of AOD.

The Council's Health Professional must liaise with the organisation responsible for the rehabilitation of the employee to monitor progress.

The Council's Health Professional must provide regular reports to the Work Health & Safety Coordinator on the employee's progress. Confidentiality of information must be maintained.

Upon completion of a rehabilitation program, the Council's designated expert must determine the requirements for ongoing review after consideration of the nature of the initial problem and the work to which the employee must return.

Information collected in the management process detailed above must only be used or disclosed as far as is necessary for a return to work program.

**APPENDIX D:****GUIDELINES FOR CONDUCTING ALCOHOL AND OTHER DRUG (AOD) TESTS*****Method of Testing***

The Council will use saliva and breath analysis procedures for all random, incident and cause testing. Testing must be conducted in a manner designed to protect employees' and contractors' privacy and safeguard the integrity of the testing process to ensure the validity of the test results.

***Random Testing Selection***

Random testing selection must be conducted by the independent testing provider. Random testing must not incorporate any "targeted testing" whatsoever. It will remain strictly random.

***Identification of the Employee or Contractor***

The accredited technician must ensure the individual from whom the sample is collected is positively identified through photo identification or identification confirmation by a manager. The sample collection must not proceed if the individual's identity cannot be established.

***Consent to Collection and Analysis***

Sample collection must not commence until the individual from whom the sample is to be collected has signed the consent to collection and analysis on the testing record documentation.

***Right to Have Another Person Present***

An employee or contractor may request the presence of another person to witness the testing procedure. Such requests must be facilitated provided the other person can attend the site within a maximum of one (1) hour of the request being made.

***Sample Collection***

Samples for alcohol and drug (AOD) tests should be collected privately at a site designated by the Council utilising standard sampling procedures for the particular test used and in accordance with "best practice" as detailed in the relevant Australian Standards and by the National Association of testing authorities. If the independent testing provider has a reason

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to believe that an adulterated or substitute sample has been provided, the employee or contractor must be required to provide a second sample.

***Additional Samples***

Where the onsite test result is non-negative, additional samples must be obtained immediately.

***Chain of Custody***

An appropriate chain of custody procedure must be followed in the administration of all AOD testing by the independent testing provider.

***Laboratory Confirmation***

The independent testing provider must ensure the appropriately sealed and labelled non-negative sample is forwarded immediately to a NATA accredited laboratory for laboratory analysis on the GC/MS or LC/MS testing device. Verbal results must be advised to the Work Health & Safety Coordinator as soon as they become available, with written confirmation provided thereafter.

***Storage of Samples***

Any samples which are confirmed positive for alcohol or other drugs must be retained in appropriate storage by the laboratory conducting the analysis for a minimum of six (6) months.

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**APPENDIX E:**

**DRUGS THAT MAY BE TESTED FOR INCLUDE:**

- Alcohol
- Amphetamines
- Cocaine
- Methamphetamines
- Opiates
- THC (Cannabis)
- Any other illegal drug

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**APPENDIX F:**

**DRUGS – CERTIFICATE  
PRESCRIPTION DRUGS NOTIFICATION**

Northern Midland's Council  
13 Smith Street  
Longford, TAS, 7301

Name:  
Address:  
Date:

I am the treating doctor of your worker Mr/Mrs/Miss ..... (name of worker).

On ..... (date), as a result of my diagnosis, I prescribed medication to your worker.

..... (name of worker) has advised me of his/her position within Northern Midland's Council and explained the tasks involved.

Taking all information into consideration, I believe your worker can safely and properly continue to undertake tasks associated with his/her required tasks at Northern Midland's Council provided he/she takes the prescribed medication in accordance with the requirements of the prescription.

Name: (Doctor).....

Signed: (Doctor) .....Date: .....

**OVER THE COUNTER MEDICATION (OTC) NOTIFICATION**

I .....(name of worker) wish to advise I am taking OTC.

I, undertake to only use the medication in accordance with the recommended dose and in strict accordance with all warnings.

I believe I can safely and properly undertake my required workplace tasks. If in any doubt as to whether I can perform all tasks safely I undertake to advise my manager immediately.

Signed:.....Date:.....

Name: .....(Please Print)

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**APPENDIX G:**

**GUIDELINES TO DETERMINE WHETHER AN EMPLOYEE MAY BE AFFECTED BY ALCOHOL AND/OR DRUGS**

**May include, but is not limited to:**

- Unusual work performance and work patterns
- High number of mistakes
- Extremes in performance
- Difficulty in remembering instructions or handling complex situations

**Physical Symptoms or Conditions:**

- Weariness
- Exhaustion
- Excessive blinking
- Blank stares
- Unusual efforts to cover arms
- Wearing sunglasses at unusual times
- Slurring of words
- Smelling of alcohol
- Unable to stand up straight without assistance

**Absenteeism and Personal Health:**

- Increase in absence especially before and after weekends
- Consistently late
- Disappears from job regularly
- Signs of nervousness or emotional distress

**Social interaction on the job:**

- Withdrawing or avoiding peers
- Overly sociable
- Unusual outbursts of emotion e.g. angry or irritable

**Accidents and Concentration:**

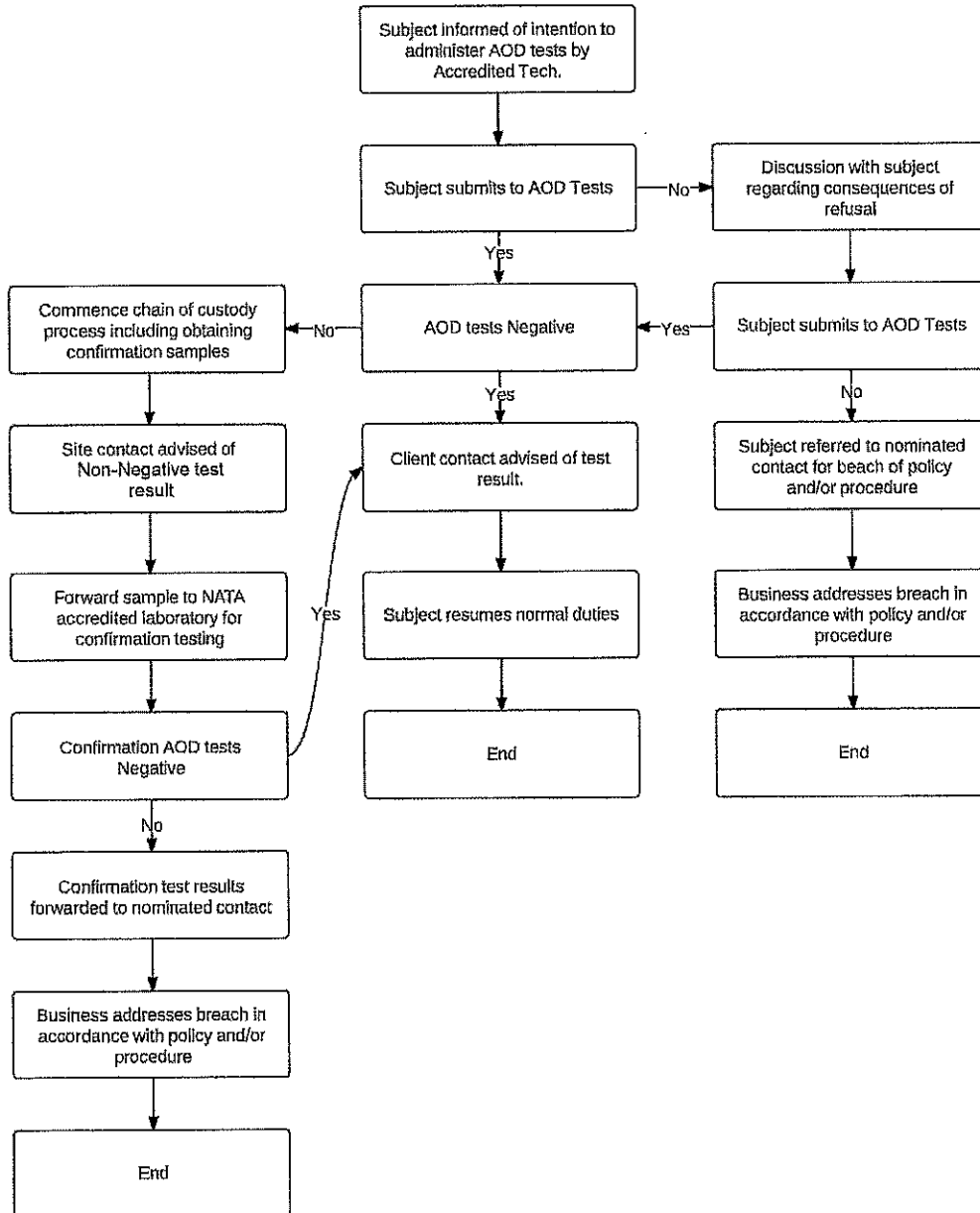
- Accident prone on and off the job
- Taking unnecessary risks or needlessly endangering others
- Difficulty concentrating
- Appears to be confused

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APPENDIX H:

FLOWCHART FOR ALCOHOL AND OTHER DRUG (AOD) TESTING



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APPENDIX I:

WORKER DECLARATION

NAME:..... DATE:.....

EMPLOYER: Northern Midlands Council

**(Delete any word/s which do not apply. The person named and the witness should initial any alteration/s.)**

I acknowledge having been tested today by *Integrity Sampling* for drugs. I also acknowledge having been trained in the effects of the misuse of drugs/medications and what my legal obligations are in respect to Work Health & Safety law.

Prior to providing a sample of oral fluid for analysis today I acknowledge having ingested prescription medications and/or over the counter medication.

I wish to confirm that I have definitely only taken the medication I detailed when initially questioned by the *Integrity Sampling* Technician. This medication was either prescribed for me or over the counter medication taken in accordance with either the prescribed or recommended dose.

I have previously notified my employer of the fact I am taking medication/s.

I believe I can safely and properly continue to undertake my required tasks at work. As such it is my express wish to stay at work and not be stood down pending the laboratory confirmation results. I don't believe I will in anyway compromise my safety or the safety of any other person in the workplace.

Signed: .....

Name: ..... Date: .....

Witness

Signed: .....

Name: ..... Date: .....

***Integrity Sampling* does not offer any advice as to whether or not this declaration should be accepted. Acceptance or otherwise is at the sole discretion of the employer.**



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**APPENDIX J:**

<b>High Risk Activities</b>		
<b>Activity</b>	<b>Tolerance</b>	
	<b>Alcohol</b>	<b>Illegal Drugs</b>
<p>Workers whose employment tasks involves operation of the following plant/activities are deemed to be High Risk:</p> <ul style="list-style-type: none"> <li>▪ Vehicles with a GVM in excess of 3.0 tonne (includes 10yd, 7yd and 3.5 yd (canter trucks)</li> <li>▪ Backhoe</li> <li>▪ Forklift</li> <li>▪ Grader</li> <li>▪ Skidsteer loader</li> <li>▪ Street Sweeper</li> <li>▪ Tractors (with or without implements)</li> <li>▪ Ride on mowers</li> <li>▪ Chain saw</li> <li>▪ Concut saw</li> <li>▪ All work performed during the following activities; <ul style="list-style-type: none"> <li>▪ Confined Space activities</li> <li>▪ Working at Heights</li> <li>▪ Trenching activities</li> <li>▪ Chlorine handling activities</li> <li>▪ Work in/on or adjacent to water</li> <li>▪ Any other work deemed High Risk</li> </ul> </li> </ul>	0.00%	Zero
Workers on after-hours, i.e. required to be available for the purposes of the Council outside their ordinary hours of duty.	0.00%	Zero
Workers engaged in the provision of an education or care service to children	0.00%	Zero

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**APPENDIX K:**

**QUICK REFERENCE GUIDE/MEMORANDUM OF UNDERSTANDING**

	Blood Alcohol Content (BAC)	Use, sale, possession or distribution of Alcohol	Use, sale, possession or distribution of Illegal Drugs
Work Places Administration Areas	0.02%	Prohibited	Prohibited
Working On Site In High Risk Activities, Availability or Standby	0.00%	Prohibited	Prohibited
Driving Council Vehicles including Hire Cars used for Business Travel	0.00%	Prohibited	Prohibited
Salary Package Vehicles used for Council Business	0.02%	Prohibited	Prohibited

**EXCEPTIONS**

**Prescribed and Over the Counter Medication (Legal Drugs)** - Possession and use of prescribed or over the counter medication that do not adversely affect a worker's ability to perform their role safely provided they are taken by the individual to whom they were prescribed, and in strict accordance with prescribed or recommended dose and any relevant warnings. The nominated employer representative must be advised in writing if there is any potential for safety to be compromised in any way by the taking of such medications

**Authorised Functions/Council Events** - Responsible consumption and possession of alcohol is permitted at authorised functions in designated areas or at Council events.

**Salary Package Vehicles (Private Travel)** - In the case of driving a salary package vehicle for private travel, the driver's BAC level may exceed 0.00% but must not exceed legislative requirements.

**Alcohol** - Gifts of alcohol received by workers in the course of their employment are acceptable within Council guidelines for the receipt of gifts, (e.g. recognition gifts, Christmas gifts etc). Alcohol must be stored unopened and removed unopened from Council premises or Council vehicles at the end of the work day.

**MEMORANDUM OF UNDERSTANDING**

I,.....(Insert Full Name) acknowledge having been trained and understand **NMC Alcohol & Other Drug** Procedure.

I agree to comply with this Procedure.

Employee.....(print name) Witness.....(print name)

Signed:..... Date: .....Signed:..... Date:.....

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Policy Name:	Business Dress Policy
Policy Owner:	Human Resources Officer
Originated Date:	March 2015
Amended Date/s:	August 2015
Review Date:	December 2016
Applicable Legislation:	
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

**1. PURPOSE:**

The purpose of this Policy is to provide guidelines regarding an acceptable standard of business dress for all employees of the Northern Midlands Council, which is important for health and safety reasons and also in portraying a professional image of our employees to members within the community.

**2. COVERAGE::**

This Policy covers and applies to all employees of Northern Midlands Council.

For the avoidance of doubt this Policy does not cover or apply to a Councillor

**3. REQUIREMENTS:**

All employees are required to dress appropriately for the position that they have been employed to do. Following are some guidelines about uniform allocations and what is and isn't acceptable to wear to work.

Whilst it is not compulsory for Municipal Officers (indoors staff) to wear a uniform, for those who choose to wear the uniform, Council will contribute \$286 (including GST) per annum towards business attire. Employees choose their business clothing from the corporate uniform provider catalogue and these items are later delivered, complete with logo embroidered onto each piece of clothing.

For all indoors staff, business clothes and shoes should be as professional as possible and not incorporate casual wear that you would wear outside work. For example, pants and a shirt for gents or pants/skirt, shirt/blouse or a dress for women. Name badges are provided by Council for Municipal Officer's and these should be worn at all times when at work.

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It is compulsory for outdoor employees to wear Council's uniform and we will contribute up to \$325 (including GST) per annum towards this. Each outdoor employee will be provided with 1 pair of boots, 2 x shirts, 2 x trousers and 1 jumper per annum from the uniform provider at the time, up to their annual allowance amount. Outdoor employees are also required to wear personal protective equipment, which Council will also provide, in addition to the above uniform allocation. This includes safety vests, safety glasses, gloves and wet weather coats as required. All outdoor employee's uniforms will bear Council's logo to clearly identify them as employees of the Northern Midlands Council when working within the municipality.

It is also compulsory for Childcare employees to wear Council's uniform which Council will contribute \$286 (including GST) per annum towards. The uniform allocation for Childcare employees is 2 x 3/4 sleeve shirts, 1 x jumper or cardigan and 1 x pair of trousers per annum, up to their allowable limit. Childcare employees may also wear a navy polo shirt bearing the Childcare logo embroidered onto the front left hand pocket. The polo shirt will be at the employee's expense if they choose to wear this. Childcare employees may also wear dress shorts during Summer in either a navy or fawn colour.

Pool Attendants employed by the Northern Midlands Council are supplied with a uniform which consists of red shorts and a long sleeve red and yellow polo shirt. In addition to this, Council will also provide a wide brimmed red hat for these employees to wear. It is expected that Pool Attendants will supply their own runners and socks to accompany their uniform.

The following items of clothing are considered inappropriate business dress and as such should not be worn to work by employees of the Northern Midlands Council. These include denim jeans, t-shirts, casual shorts, singlet tops, casual wear or the type of clothing worn for relaxation on the weekend. Similarly, casual shoes including flat, open-toed sandals are not appropriate footwear to wear to work.

Any employee who wears inappropriate clothing to work and/or does not wear their compulsory uniform will be asked to return home to change into appropriate business wear or their uniform. The period of time that this takes to go home and change may be deemed as leave without pay and will be addressed on a case by case basis. Disciplinary action may be taken for repeated breaches of this Business Dress Policy.

Where employment with Council ceases and when requested by Council, all items of clothing bearing a logo must be returned to your manager.

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Policy Name:	Communications & Social Media Policy
Policy Owner:	Human Resources Officer
Originated Date:	August 2015
Amended Date/s:	
Review Date:	December 2016
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health &amp; Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation &amp; Compensation Act 1988 (TAS)</i>
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

## 1. AUTHORITY & APPLICATION:

This Policy should be considered in conjunction with the following policies and procedures:

- Disciplinary
- Employee Code of Conduct
- Fitness for Work
- Issue Resolution
- Performance Management
- Work Health & Safety
- Workplace Behaviour

### *Definitions*

***Business Use*** – any use of a communication device that is required for work purposes.

***Communication Devices*** – any device used for any communication purpose by a worker and may include but is not limited to telephones/smart phones (both landline and mobile)

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devices), computers, walkie-talkies, radios, copiers, facsimiles or equivalent of all of the preceding and their respective hardware, software and applications including email, electronic data, internet services and social media.

**Council** - Northern Midlands Council.

**Councillor** - an elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a Councillor as defined under section 3 of the *Local Government Act 1993 (TAS)*.

**Council Owned Communication Devices** – any communication device owned or supplied by Council.

**Employee** - a person who carries out work for Council as an employee of Council.

**General Manager** - the General Manager of Council as appointed under section 61 of the *Local Government Act 1993 (TAS)*.

**Infringing Workplace Behaviour** - any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

**Manager/Supervisor** - a person at the workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

**Other Persons at the Workplace** - any person at the workplace who is not a worker including visitors and ratepayers.

**Personal Use** – any use that is not business use.

**Policy** - this Policy including the Authority and Application.

**Social Media** – online platforms that promote social and professional networking and sharing of information. Social media does not just involve text commentary or statements it can also involve audio, multimedia pictures, movies and photos. Social media includes:

- social networking sites (e.g. Facebook, MySpace, LinkedIn, Bebo, Yammer)
- video and photo sharing websites (e.g. Flickr, Youtube, Instagram)
- blogs, including corporate blogs and personal blogs
- micro-blogging (e.g. Twitter)
- wikis and online collaboration (e.g. Wikipedia)
- forums, discussion boards and groups (e.g. Google groups, Whirlpool)
- vod and podcasting
- instant messaging (including sms) and/or
- any successor or equivalent to the above

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**Use** – to deploy, create, store, communicate, transmit or access any material, information, image or the like by any communication device.

**Worker** - a person, other than a Councillor, who carries out work in any capacity for Council, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Council
- an outworker
- an apprentice or trainee
- a student gaining work experience or
- a volunteer

**Workplace** - a place where work is carried out for Council.

### **Training**

Council will provide all persons covered by this Policy with the appropriate training so they are made aware of their responsibilities and obligations under the Policy.

### **Amendment**

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

### **Interpretation of Policy**

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.

‘Including’ and similar expressions are not words of limitation.

A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

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Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.

Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.

It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation so applicable laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager or the Human Resources Officer.

### ***Reporting of Breaches***

Persons covered under the paragraph 'Coverage' must reasonably report breaches of infringing workplace behaviour as follows:

For breaches by:

- an employee (other than the General Manager) or other workers, the report must go to the reporting person's applicable manager and/or
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and

as otherwise required or permitted by applicable laws.

### ***Breach of this Policy***

Persons covered under the paragraph 'Coverage' who engage in infringing workplace behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure (employees) or removal from the workplace or termination of services (workers, other than employees and other persons at the workplace). Infringing workplace behaviour may also amount to breaches of applicable laws:

- exposing individuals to legal proceedings and
- making Council vicariously liable for the conduct of others

## **2. PURPOSE:**

The purpose of this Policy is to provide a framework for decisions and standards relating to the use of communication devices and social media.



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This Policy confirms that Council will not tolerate the use of communication devices and social media which is unlawful or a risk to health and safety of workers or other persons at the workplace.

This Policy recognises Council's commitment to provide a safe and healthy workplace for workers and other persons (any person at the workplace who is not an employee, including visitors) in the workplace relating to the use of communication devices and social media.

This Policy will instruct and guide workers and other persons at the workplace regarding the use of communication devices and social media. In addition to outlining the minimum standards expected at all times in relation to the use of communication devices and social media.

This Policy recognises that all workers are accountable for their own behavior relating to the use of communication devices and social media.

This Policy will operate with applicable laws and policies.

### **3. COVERAGE:**

This Policy covers and applies to workers in relation to:

- behaviour at the workplace
- the performance of work for or in connection with Council and
- conduct outside the workplace or working hours if the acts or omissions:
  - are likely to cause serious damage to the relationship between Council, Councillors, workers or other persons at the workplace or
  - are incompatible with a worker's duty to Council or employment relationship or engagement or
  - damage or are likely to damage Council's interests or reputation

### **4. REQUIREMENTS:**

Workers must comply with this Policy.

Workers must not use communication devices or social media in any way which:

- breaches this Policy or any other policy or procedure including the Workplace Behaviour Policy or Employee Code of Conduct Policy
- breaches applicable laws or is otherwise unlawful or
- fails to comply with a lawful and reasonable direction by Council

Managers are required to promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

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**5. GENERAL PRINCIPLES:**

Council may provide workers with communication devices for business use only) or business use and reasonable personal use at Council's discretion. Such authority will be provide in writing on an individual basis.

In determining whether a worker will be provided with communication devices and to what extent Council at its complete discretion will take into consideration all relevant matters including, Council's network and other system storage, security and usage requirements, the worker's personal circumstances and work requirements and the nature and topic of the use.

The requirements set out below under 'Requirements' apply equally to business use and personal use of communication devices.

Council may remove, restrict or change a worker's authority to use Council owned or supplied communication devices or worker owned or supplied communication devices where used for business use or in the workplace at Council's discretion.

Council will, through authorised personnel, monitor and if necessary copy, delete, remove or quarantine any information, data, transmissions or files (incoming and outgoing) or like materials arising out of the use of communication devices from the Council's information technology system or network, or any worker's Council provided communication device without notice.

**6. USE OF COMMUNICATION DEVICES:**

In relation to the use of communication devices, workers must:

- not divulge passwords or user identification to other persons, other than the IT Support Officer
- not alter a Council owned communication device without prior written approval from their manager and the IT Support Officer
- not allow any person to use a Council owned communication device without prior written approval from the their manager
- maintain Council owned communication devices they use in accordance with the manufacturer's specifications
- take all reasonable care to ensure the communication device is securely kept
- immediately advise their manager and the IT Support Officer of any damage to or theft of the communication device
- not install any software on a Council owned communication device (with the exception of Council nominated applications downloaded from the App Store) without written prior approval from their manager and the IT Support Officer
- comply with applicable laws including not engaging in, for example:
  - defamatory comments (e.g. falsely naming a person as a criminal)
  - inappropriate or unlawful workplace behavior comments (e.g. discriminatory, harassing, bullying or repeated unreasonable behavior)



- misleading and deceptive conduct (e.g. our product will give you 150% improvement in profit with no reasonable basis)
  - contempt (e.g. publicising court orders or matters under consideration)
  - infringements of intellectual property rights (e.g. breach of copyright by copying information without referencing the source, or downloading movies, TV shows, music and other entertainment or similar) or
  - privacy issues such as disclosing personal or sensitive information (e.g. a person lives at ABC Street and has 4 children with a particular medical condition)
- not use another person's identification (electronic or otherwise) to use a communication device
  - not obscure or attempt to obscure the origin of any use of a communication device in the workplace or a Council owned communication device
  - not access, send, receive, download, store or distribute gambling, pornographic, obscene, defamatory, discriminatory, harassing, or inappropriate materials of any kind
  - not disclose Council's confidential information or damage or engage in use likely to damage Council's interests or reputation
  - not gain or attempt to gain unauthorised access to Council's, information technology system or network, or any other worker or other person in the workplace's communication device and
  - not interfere or alter with any of the Council security measures provided for the Council's, information technology system or network, or any other worker or other person in the workplace's communication device

## 7. BUSINESS USE OF SOCIAL MEDIA:

In relation to business use of social media, workers must:

- adhere to any communication protocols, authorisations or requirements of their role or position description or contractual arrangements and apply any warnings, notices, protocols or other identifications as required by Council from time to time
- not breach or engage in activity that has the capacity to breach any contractual requirements with third parties
- act honestly, with integrity, courtesy and professionalism
- comply with applicable laws including not engaging in, for example:
  - defamatory comments (e.g. falsely naming a person as a criminal)
  - inappropriate or unlawful workplace behavior comments (e.g. discriminatory, harassing, bullying or repeated unreasonable behavior)
  - misleading and deceptive conduct (e.g. our product will give you 150% improvement in profit with no reasonable basis)
  - contempt (e.g. publicising court orders or matters under consideration)

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- infringements of intellectual property rights (e.g. breach of copyright by copying information without referencing the source or downloading movies, TV shows, music and other entertainment or similar) or
  - privacy issues such as disclosing personal or sensitive information (e.g. a person lives at ABC Street and has 4 children with a particular medical condition)
- only use Council logos, branding, photos/images or trademarks with prior Council approval
  - not 'air' personal campaigns and keep personal opinions separate from professional
  - avoid political bias and real or potential conflicts of interest
  - not establish fictitious names or identities deliberately intended to deceive, mislead or lie
  - adhere to Council's style guide as set by the Council from time to time
  - notify their manager and the IT Support Officer of any activity that occurs whilst using the communication device or social media that has the potential to affect the integrity of the Council's information technology system or network, or any Council representative or other person's communication device
  - not disclose Council's confidential information or damage or engage in use likely to damage Council's interests or reputation
  - should be respectful of others using language that is polite, courteous and appropriate to the circumstances and
  - should not be disrespectful of others including using obscene, defamatory, discriminatory, threatening, harassing, insulting or offensive language

#### **8. PERSONAL USE OF SOCIAL MEDIA:**

In relation to personal use of social media, workers:

- are permitted to use communication devices or social media where authorised by Council for non-work related purposes during work time that is reasonable and does not negatively impact on work or the workplace
- must not disclose Council's confidential information or damage or engage in use likely to damage Council's or worker's or other persons at the workplace interests or reputations or engage in conduct in breach of paragraph 'Coverage'
- may disclose they are workers, provided they make it clear that that they do not speak on behalf of the Council and their views are personal only and do not represent the views of Council including where they are likely to be reasonably identified as a worker
- must not cite, reference or identify (including conduct that is likely to identify) other workers or other persons at the workplace without their prior approval
- must avoid using business email addresses for personal social media logins and
- must not start or participate in a Facebook group, online club or any other community using Council's name

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**9. MONITORING AND PRIVACY:**

Workers should be aware that information, data, transmissions or files (incoming and outgoing) or like materials arising out of the use of communications devices are capable of being monitored by authorised persons nominated by Council and intercepted, traced or recorded by others.

Privacy using communication devices cannot be guaranteed.

Council may monitor the use of communication devices at any time including randomly or where Council considers it appropriate to:

- ensure compliance with applicable laws, policies and procedures and reasonable directions
- compile or audit data or information regarding the use of communication devices
- investigate suspected behaviour that may be contrary to or in breach of applicable laws, policies and procedures or reasonable directions or
- prevent unauthorised or unlawful use of communication devices.

Council may appoint any person to monitor the use of communication devices on its behalf or with Council. Where it does, Council will advise workers of this appointment.

Any employee found to be in breach of this Communications and Social Media Policy may be subject to disciplinary action, up to and including termination of employment.

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Policy Name:	Disciplinary Policy
Policy Owner:	Human Resources Officer
Originated Date:	August 2015
Amended Date/s:	
Review Date:	December 2016
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health &amp; Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation &amp; Compensation Act 1988 (TAS)</i>
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

## 1. AUTHORITY & APPLICATION:

This Policy should be considered in the context of the following policies and procedures:

- Communications & Social Media
- Employee Code of Conduct
- Fitness for Work
- Issue Resolution
- Performance Management
- Work Health & Safety
- Workplace Behaviour Policy

### **Definitions**

**Council** - Northern Midlands Council.

**Councillor** - an elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a Councillor as defined under section 3 of the *Local Government Act 1993 (TAS)*.

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**EAP** – Employee Assistance Provider, Newport and Wildman.

**Employee** - a person who carries out work for Council as an employee of Council.

**General Manager** - the General Manager of Council as appointed under section 61 of the *Local Government Act 1993 (TAS)*.

**Industrial Instrument** – an instrument recognised under the Fair Work Act 2009 that has legal application with respect to minimum entitlements to those employees covered within its scope (e.g. Award or Enterprise Agreement).

**Infringing Workplace Behaviour** - any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

**Manager/Supervisor** - a person at the workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

**Other Persons at the Workplace** - any person at the workplace who is not a worker including visitors and ratepayers.

**Policy** - this Policy including the Authority and Application.

**Procedure** – the Disciplinary Procedure including the Authority and Application.

**Worker** - a person who carries out work in any capacity for Council, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Council
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer
- Councillor

**Workplace** - a place where work is carried out for Council.

### **Training**

Council will provide all persons covered by this Policy with the appropriate training so they are made aware of their responsibilities and obligations under the Policy.

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***Amendment***

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

***Interpretation of Policy***

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.

'Including' and similar expressions are not words of limitation.

A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.

Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.

It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation so applicable laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager or the Human Resources Officer.

***Reporting of Breaches***

Persons covered under the paragraph 'Coverage' must reasonably report breaches of infringing workplace behaviour as follows:



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For breaches by:

- an employee (other than the General Manager or other workers) the report must go to the reporting person's applicable manager
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and

as otherwise required or permitted by applicable laws.

***Breach of this Policy***

Persons covered under the paragraph 'Coverage' who engage in infringing workplace behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure or removal from the workplace or termination of services (workers, other than employees and other persons at the workplace). Infringing workplace behaviour may also amount to breaches of applicable laws:

- exposing individuals to legal proceedings and
- making Council vicariously liable for the conduct of others

**2. PURPOSE:**

The aims of this Disciplinary Policy are to:

- recognise that all employees are responsible for their behaviours
- to set and maintain standards of conduct within Council and help and encourage employees to achieve and maintain those satisfactory standards
- enable Council to appropriately deal with infringing workplace behavior fairly, consistently and
- transparently having regard to the individual circumstances and other relevant factors
- provide opportunities for employees to correct behaviours unless immediate dismissal is appropriate
- provide a reference and framework for the Disciplinary Procedure and
- operate with applicable laws and related Council documents

**3. COVERAGE:**

This policy covers and applies to employees in relation to infringing workplace behaviour including poor performance that is not dealt with under Council's Performance Management Policy.

This policy does not cover or apply to behaviours that amount to or are dealt with by Council as:

- a) incapacity for work, which is dealt with under Council's Fitness for Work Policy or

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- b) performance management, which is dealt with under Council's Performance Management Policy

For the avoidance of doubt this Policy does not cover or apply to a Councillor.

#### **4. REQUIREMENTS:**

Employees must comply with this policy.

Managers must communicate and implement this policy within their area of responsibility.

#### **5. ROLE RESPONSIBILITIES:**

##### ***What are the manager's responsibilities?***

Managers are responsible for:

- a) ensuring appropriate management of infringing workplace behaviours
- b) making appropriate records relating to disciplinary procedures
- c) making reasonable resources available to assist employees
- d) advising employees of reasonable internal and external support and
- e) identifying the appropriate support, training or experience and opportunities to avoid infringing workplace behaviours

##### ***What are the employee's responsibilities?***

Employees are responsible for:

- a) their own behaviours, including avoiding infringing workplace behaviours
- b) participating appropriately in disciplinary procedures and
- c) identifying the appropriate support, training or experience and opportunities to avoid infringing workplace behaviours

#### **6. ENGAGING IN A DISCIPLINARY PROCESS AND OUTCOME:**

Council's Disciplinary Procedure provides for an appropriate disciplinary process to determine whether infringing workplace behaviour has occurred and the related facts and circumstances and if so appropriate disciplinary outcomes.

Council may only commence a disciplinary process where it has formed a reasonable suspicion (i.e. facts exist which are sufficient to induce a suspicion in a reasonable person) that an employee has engaged in infringing workplace behaviour.

The Disciplinary Procedure provides guidelines containing a number of different processes Council may utilise to appropriately determine infringing workplace behaviour.

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Council may use a particular disciplinary process that a manager considers reasonable in the circumstances that is consistent with the Disciplinary Procedure and provides procedural fairness appropriate to the circumstances.

A disciplinary process is conducted by the employee's immediate manager with support from the Human Resources Officer.

Despite this Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to the employee's immediate manager:

- a) a more senior manager
- b) an external person

The Disciplinary Procedure provides for guidelines containing a number of different outcomes Council may utilise to appropriately determine infringing workplace behaviour.

Council may implement a particular disciplinary outcome that a manager considers reasonable in the circumstances that is consistent with the Disciplinary Procedure.

A disciplinary outcome is conducted by an authorised manager following a disciplinary process where there is finding of infringing workplace behaviour. This may, depending on the circumstances, range from the employee's immediate manager, the Human Resources Officer to the General Manager.

Employees should discuss the outcome with their manager before seeking external advice regarding an appropriate appeal process (if any) in the circumstances.

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Procedure Name: Disciplinary Procedure  
 Procedure Owner: Human Resources Officer  
 Originated Date: August 2015  
 Amended Date/s:  
 Review Date: December 2016  
 Publication Sources: 15/013 - Human Resources Policies & Procedures  
 02/03/01/01 – Human Resources – Employee  
 Infonet / Documents / HR – Policies  
 Works Depot & Childcare Facility

## 1. AUTHORITY & APPLICATION:

### *Definitions*

As per the Disciplinary Policy as amended from time to time.

### *Training*

Council will provide all persons covered by this Procedure with the appropriate training so they are made aware of their responsibilities and obligations under the Policy.

### *Amendment*

Council retains the sole discretion to reasonably vary, terminate or replace this Procedure from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

### *Interpretation of Procedure*

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.

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A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

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Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

Examples used in this Procedure are for illustrative purposes only and are not intended to be exhaustive.

Unless expressly provided for, this Procedure is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Procedure to the extent of any inconsistency.

It is not intended that this Procedure impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation so applicable laws. Any obligation, direction, instruction or responsibility imposed by this Procedure must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

Questions relating to the interpretation, application or enforcement of this Procedure should be directed to the person's manager or the Human Resources Officer.

## **2. GUIDELINES:**

### ***General guidelines***

This Disciplinary Procedure is conducted with a level of formality appropriate to the circumstances but in a practical manner and not to the standard of a judicial hearing or police style examination of the circumstances.

Particular disciplinary processes and outcomes will be utilised as considered reasonably necessary by Council to the individual circumstances. The exact nature of procedural fairness will vary according to the individual circumstances of each case including confidentiality and privacy considerations and obligations.

An employee will be advised of the opportunity to have a support person during this process, who may be a Union official or other professional advocate. The role of the support person is to assist employees by providing emotional support, aiding the employees understanding or by taking notes, asking appropriate questions, or requesting breaks. An appropriate support person is a person who is not a third party to a process or involved as a potential witness or otherwise has a conflict of interest. Where the support person is a Union official or other professional advocate they may speak or write on behalf of the employee but only to:

- matters of interpretation (e.g. legislation, industrial instrument etc)
- clarify, summarise and explain the member of client's position
- resolution of the matter and/or
- submissions as to mitigation and/or penalty

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A complaint is not necessary given Council's duty of care under section 19 of the *Workplace Health and Safety Act 2012 (TAS)* to, in general terms provide a safe workplace.

***Guidelines for disciplinary processes***

***Treat fairly and seriously*** – assess all matters on their merits and facts. Any disciplinary process should be thorough enough and obtain relevant and credible evidence as is reasonably necessary to ensure substantive fairness by:

- providing particulars of allegations and available evidence (including a copy of any complaints if available and not otherwise inappropriate to provide on legitimate work health and safety grounds) so participants understand the context of the process in which they are being required to participate
- providing employees with a reasonable opportunity to respond to allegations, findings, proposed disciplinary action, subsequent or additional information (whether in writing and/or in person as appropriate) or other process
- making factual findings that are reasonably open to be made (e.g. specific behaviours and their context and surrounding circumstances)
- making conclusions or characterisations (e.g. breaches of policies which are serious) that can be objectively drawn from those factual findings
- notify employees of the findings relevant to them and any proposed disciplinary action (if any)
- taking into account the nature and extent of the infringing workplace behaviours, an employee's personal circumstances and employment record including prior disciplinary action, any mitigating circumstances, Council requirements and any other relevant matters to ensure that any disciplinary outcome is appropriate in the circumstances
- notifying employees of the disciplinary action (if any) which will be imposed and when

***Act promptly*** – disciplinary matters should be dealt with courteously, respectfully and within appropriate timelines on a case by case basis. All relevant parties should be provided reasonable estimates of timeframes and be kept reasonably informed of the progress. Extensions of time may be appropriate in complex matters where justified. If additional time beyond the initial estimate is reasonably required to address the issues, all relevant parties should be advised of the additional time required and in a manner appropriate, the reasons for delay.

***Support all parties*** – employees involved in the process should be told what support is available including EAP.

***Be neutral*** - impartiality towards everyone involved (i.e. persons seeking to impose disciplinary action, witnesses, affected parties and responding persons). Participants should

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also avoid any personal or professional bias (perceived or actual). If a preliminary enquiry or workplace investigation is undertaken, the investigator may be internal or external to Council and must be a person who is:

- objective and neutral and impartial (i.e. avoid real or perceived bias)
- competent having regard to the particular circumstances
- available to conduct a preliminary enquiry or workplace investigation and report in a timely manner and
- not a potential witness or who has had prior dealings with parties that creates a real or perceived bias

***Communicate process and outcomes*** – all parties should be reasonably informed of the process and what they can expect will happen during a resolution process and potential outcomes. Council will provide all parties with clear reasons for any actions taken or not taken. Details of disciplinary matters should only be disclosed in a manner to those parties that need to know, provided that such disclosure does not create unreasonable risk to their health and safety.

***Maintain confidentiality*** – the process should ensure appropriate confidentiality for all parties involved and consider individual request for confidentiality subject to Council's duty to provide a safe workplace.

***Keep records as appropriate*** – some form of record should be made of the disciplinary process and matters dealt with under this Procedure including details of allegations, written responses or submissions from those involved, the process adopted and any outcomes.

***Seeking advice and support*** – participants are entitled to obtain advice of their choice and have a support person present during any meetings they are required to attend at their own cost.

***Appropriate interim arrangements*** – it is necessary to preserve the integrity of the disciplinary process being undertaken and having regard to the seriousness of allegations or to reasonably ensure the health and safety of any workers and other persons at the workplace. While in the process of resolving any disciplinary matter, the parties must reasonably ensure that there is no interruption to work. Council may impose appropriate interim arrangements which may include any combination of the following:

- stand down with pay (unless otherwise specifically provided for in an industrial instrument) employees responding to allegations (and other employees where considered appropriate)
- providing alternative duties to employees
- directing temporary changes to work arrangements (including reporting lines and location)

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- preventing or restricting communication between employees, workers and other persons at the workplace
- imposing for legitimate work health and safety reasons only, confidentiality obligations on employees, workers and other persons at the workplace (which does not preclude the taking of bona fide advice from a Union official or other professional advocate)
- preserving evidence – if necessary secure part of the workplace, obtain photographs or take any other steps to preserve physical evidence that may otherwise be lost and
- reporting to relevant authorities – e.g. Police, Regulators, Work Safe Tasmania etc

### 3. DISCIPLINARY PROCESS:

A disciplinary process appropriate to the circumstances will be applied which will include processes for:

- determining infringing workplace behaviour such as a manager determination, preliminary enquiry or workplace investigation and
- stand downs and other interim arrangements and
- determining disciplinary outcomes

### 4. DETERMINING INFRINGING WORKPLACE BEHAVIOURS:

#### *Manager determination*

Managers may make determinations if satisfied that conduct occurred or did not occur and that conclusions can be objectively drawn (i.e. make findings as to the nature and extent of infringing workplace behaviour or find that infringing workplace behaviour is not substantiated).

Examples of this include where:

- Managers directly observe the infringing workplace behaviour
- Employees do not deny the allegations against them or are found to be unreliable, demonstrably wrong or not credible
- there is no dispute as to the key facts and other factual matters in dispute may not need to be resolved to appropriately determine the matter
- key disputed material facts can be easily resolved by reliable documentary evidence or corroboration by reliable witnesses or physical evidence to find allegations proven or unsubstantiated

#### *Preliminary enquiry*

A preliminary enquiry is a process to consider facts and circumstances of reported or suspected infringing workplace behaviour without making findings where there are disputed facts.



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In a preliminary enquiry allegations may not be fully particularised, the complainant (if relevant) and respondent(s) (if appropriate) are interviewed and other relevant evidence including interviews may be obtained and evaluated and a report is provided to Council.

Council can reasonably decide, taking into consideration the relevant circumstances, whether to commence a:

- preliminary enquiry prior to conducting a workplace investigation (which may or may not occur) or
- workplace investigation without conducting a preliminary enquiry

Examples of Council determining to commence a preliminary enquiry include where:

- there is likely to be no dispute as to the key facts and other factual matters in dispute may not need to be resolved to appropriately determine the matter or
- the nature and extent of the complaints or potential infringing workplace behaviour is unknown and it is reasonable to ascertain this prior to determining any further appropriate disciplinary process including whether specific allegations need to be made and if so, against who in a workplace investigation

At the conclusion of a preliminary enquiry, Council may then determine it is reasonably satisfied (on a similar basis as referred to under paragraph – manager determination) that:

- a workplace investigation will commence to determine whether or not there is infringing workplace behaviour or
- infringing workplace behaviour has occurred based on facts that are not disputed or
- infringing workplace behaviour has not occurred or is unsubstantiated

### ***Specific workplace investigation***

A specific workplace investigation is a formal process to objectively and reliably determine facts and circumstances of reported or suspected infringing workplace behaviour to determine whether specific allegation(s) of infringing workplace behaviour has occurred.

In a workplace investigation allegations are particularised and made against specific employee(s), relevant witnesses are interviewed and other relevant evidence is obtained and findings of fact are made to determine allegations and other relevant matters.

Examples of Council determining to commence a specific workplace investigation include where:

- there is a dispute as to the key facts and other factual matters which must be resolved to make findings as to the nature and extent of infringing workplace behaviour or find that infringing workplace behaviour is not substantiated and
- having regard to the nature of the complaints (if relevant) or seriousness of the allegations and the potential consequences (e.g. dismissal is a potential disciplinary outcome and potential impact on an employee's reputation)



## 5. DISCIPLINARY OUTCOMES:

The following types of disciplinary action may be implemented at the conclusion of a disciplinary process where infringing workplace behaviour is found to have occurred.

### *General guidelines*

To be effective, disciplinary action where dismissal is not appropriate should emphasise correcting infringing workplace behaviours to bring about a required change rather than just punishing and deterring employees.

Without limiting what particular disciplinary action may be imposed in the individual circumstances, as a general guide, it should provide for increasingly serious steps if infringing workplace behaviours do not change.

With the exception of dismissal, employees should therefore be informed, regardless of the type of disciplinary action, as to:

- how and why their behaviour is considered infringing workplace behaviour
- the required standards of behaviour and any reasonable assistance available for employees to achieve this
- support provide by Council to correct the behaviour
- (if appropriate) timeframes within which employees will be required to improve or change behaviours and
- what may occur if employees' behaviours do not improve or change including types of potential disciplinary action

It may be appropriate for a combination of types of disciplinary outcomes to be implemented.

### *Formal counselling*

Formal counselling involves formally expressing dissatisfaction with an employee's behaviour during a meeting including documenting the outcome which will form part of the employee's personnel file.

Formal counselling is considered as less serious than a written warning and to not place the employee's employment at immediate risk.

### *Written warnings*

A written warning may be implemented where it is considered necessary to formally express dissatisfaction with an employee's behaviour and to expressly put the employee on notice that ongoing employment is at risk if there is further infringing workplace behaviour.

A written warning will be provided to an employee during a meeting and will form part of the employee's personnel file.

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Written warnings do not have to follow a '3 warning' process before dismissal is considered. Termination can be considered without any minimum number of prior warnings depending on the circumstances. Each matter is considered on its merits.

For example, an employee may receive more than 3 written warnings for different types of infringing workplace behaviour and not have dismissal considered. Alternatively, an employee may receive a first and final written warning for a particularly serious instance of infringing workplace behaviour without any previous disciplinary action.

A written warning does not 'expire' after a period of time and remains part of an employee's personnel file. Not all warnings may be relevant to future disciplinary action. The 'age' of the warning will be a relevant factor in considering any subsequent potential disciplinary action. Regardless of the 'age' of a warning, a previous warning will only be relevant where there is a consistent and causal connection between the alleged infringing workplace behavior to it.

### ***Transfer***

On appropriate health and/or safety grounds (e.g. to remove interpersonal conflict, threat of injury or equivalent requirement) an employee may be transferred to work in another area of Council as part of the disciplinary outcome.

### ***Dismissal with notice or a payment in lieu of notice***

Dismissal may occur where Council determines it is appropriate to terminate the employment relationship.

Dismissal should not occur under this procedure unless there is a valid reason for dismissal, employees have been accorded an adequate level of procedural fairness and any other relevant matters have been considered.

Examples of this include where the infringing workplace behaviour:

- results in poor performance that has not adequately improved following a performance management plan under the Performance Management Procedure
- causes the employment relationship to have irretrievably broken down or a loss of mutual trust and confidence necessary to continue the employment relationship
- potentially damages the reputation of Council or undermines the capacity of an employee to remain in the workplace
- relates or is similar to behaviours that an employee has previously been formally warned that further instances may result in dismissal or
- is of itself or viewed collectively with other infringing workplace behaviours of such a serious nature to warrant dismissal

Council in its discretion may provide or make a payment in lieu of the required notice period.

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***Immediate dismissal without payment in lieu of notice***

Employees found to have engaged in serious misconduct may be dismissed without notice or any payment in lieu of notice.

Serious misconduct is conduct and/or behaviour which is sufficiently serious for Council to consider termination of employment.

Serious misconduct has its ordinary meaning and includes both:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment and
- conduct that causes serious and imminent risk to the:
  - health or safety of a person and
  - reputation, viability or profitability of Council

Examples of serious misconduct include (unless an employee is able to show that the conduct engaged in was not conduct that made employment in the period of notice unreasonable):

- theft
- fraud
- assault
- being intoxicated at the workplace and
- refusing to carry out a lawful and reasonable instruction that is consistent with an employee's contract of employment

***Other disciplinary outcomes***

Other actions, which are not disciplinary action, may be considered as part of a disciplinary outcome, other than dismissal, to bring about a positive change include:

- coaching
- training
- mediation or facilitated meetings between employees
- (if applicable) notifying complainant/s of outcome
- appropriate report back to other persons at the workplace
- other appropriate actions and
- processes to monitor employee behaviours or the outcomes of any actions referred to in this paragraph

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Policy Name:	Employee Code of Conduct Policy
Policy Owner:	Human Resources Officer
Originated Date:	August 2015
Amended Date/s:	
Review Date:	December 2016
Replaced Policy:	Policy 56 – Employee Code of Conduct
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health &amp; Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation &amp; Compensation Act 1988 (TAS)</i>
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

## 1. AUTHORITY & APPLICATION:

This Policy should be considered in conjunction with the following policies and procedures:

- Communications & Social Media
- Disciplinary
- Fitness for Work
- Issue Resolution
- Performance Management
- Work Health & Safety
- Workplace Behaviour Policy

### **Definitions**

**Confidential Information** - any information, with the exception of information in the public domain other than as a result of a breach by the worker disclosed, or communicated to the worker by, or on behalf of, Council that:

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- is marked or designated as 'confidential'
- would at law be considered secret or 'confidential' information of Council
- that the worker might reasonably expect Council to regard as confidential, or
- which comes into the worker's possession, or is learnt, accessed or generated by the worker, in the course of the worker's employment or engagement, whether or not the information was originally supplied by the Council; and
  - relates to Council dealings, customer or client lists, financial position and arrangements, funding, transaction, general affairs, contracts entered into, program planning and consultant's advice, promotional information, planning information, equipment and techniques used or any of the above matters for Council's business
  - without limiting the generality of the above relates to internal Council management, the structure of Council, information about workers, policies, marketing programs, strategies, plans, investments or aspects of its future operations; or
  - relates to internal Council management, the structure of the business of Council, Council personnel, marketing programs, strategies, plans, investments or aspects of its future operations

**Conflict of Interest** - an actual, potential or perceived conflict between duties or work or services provided to Council and private interests of a worker, in which the worker has private 'interests' which could improperly influence the performance of work, duties or services provided to Council by that worker.

**Council** - Northern Midlands Council.

**Council Property** - any real or tangible property (e.g. cash, motor vehicles, plant and equipment); and any intangible property (e.g. intellectual property and goodwill) owned by Council or in Council's possession or control.

**Councillor** - an elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a Councillor as defined under section 3 of the *Local Government Act 1993 (TAS)*.

**Employee** - a person who carries out work for Council as an employee of Council.

**General Manager** - the General Manager of Council as appointed under section 61 of the *Local Government Act 1993 (TAS)*.

**Infringing Workplace Behaviour** - any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

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**Manager/Supervisor** - a person at the workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

**Other Persons at the Workplace** - any person at the workplace who is not a worker including visitors and ratepayers.

**Policy** - this Policy including the Authority and Application.

**Privileged Information** - any information which is subject to legal professional privilege.

**Sensitive Information** - personal information or an opinion relating to personal information about individuals:

- racial or ethnic origin or
- political opinions or
- membership of a political association or
- religious beliefs or affiliations or
- philosophical beliefs or
- membership of a professional or trade association or
- membership of a trade union or
- sexual preferences or practices or
- criminal record and
- health information about an individual

**Worker** - a person who carries out work in any capacity for Council, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Council
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer
- Councillor

**Workplace** - a place where work is carried out for Council.

### **Training**

Council will provide all persons covered by this Policy with the appropriate training so they are made aware of their responsibilities and obligations under the Policy.

### **Amendment**

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

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***Interpretation of Policy***

The singular includes the plural and vice versa.

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A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.

'Including' and similar expressions are not words of limitation.

A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that work or expression have a corresponding meaning.

Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.

Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.

It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation so applicable laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager or the Human Resources Officer.

***Reporting of Breaches***

Persons covered under the paragraph 'Coverage' must reasonably report breaches of infringing workplace behaviour as follows:

For breaches by:

- an employee (other than the General Manager or other workers) the report must go to the reporting person's applicable manager
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and



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as otherwise required or permitted by applicable laws.

***Breach of this Policy***

Persons covered under the paragraph 'Coverage' who engage in infringing workplace behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure or removal from the workplace or termination of services (workers, other than employees and other persons at the workplace). Infringing workplace behaviour may also amount to breaches of applicable laws:

- exposing individuals to legal proceedings and
- making Council vicariously liable for the conduct of others

**2. PURPOSE:**

The aims of this Employee Code of Conduct Policy are to:

- ensure that employees understand their obligations and do not engage in infringing workplace behaviour
- provide a framework for employees to make decisions and engage in behaviours that are ethical and appropriate for Council and workers
- reflect Council's commitment to the highest standards of honesty and integrity in meeting the needs of Council and the community that we serve
- outline the standards of conduct or behavior expected at all times relevant to work and responsibilities
- operate within applicable laws and related Council documents and
- recognise that employees are ultimately responsible for their own behavior

**3. COVERAGE:**

This Policy covers and applies to employees in relation to their behavior in the workplace; the performance of work for or in connection with Council and conduct outside the workplace or working hours if the acts or omissions:

- are likely to cause serious damage to the relationship between Council and workers or other person at the workplace or
- are incompatible with an employees or other person at the workplace's duty to Council or
- damage or are likely to damage Council's interests or reputation

For the avoidance of doubt this Policy does not cover or apply to a Councillor.

**4. REQUIREMENTS:**

Employees must comply with this Policy. If employees are unsure as to compliance then consider:

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- discussions with other workers or managers at the workplace to get an objective viewpoint
- what you would do if it was your money, time or equipment
- being on the receiving end of your decision or action
- whether you could adequately defend your actions to your immediate manager
- the potential consequences of your behaviors or decisions for other workers, your family, Council ratepayers and wider community including whether you would feel comfortable with it reported in the media and
- who will benefit? Will it be fair to Council, the parties involved and yourself. If workers still have doubts about the correct thing to do, refer the matter to the General Manager for advice

Managers are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

## 5. GENERAL PRINCIPLES:

### *Acting with honesty and integrity*

Acting with honesty and integrity will maintain the respect and confidence in Council. To demonstrate honesty and integrity, employees will:

- treat workers and other persons within the workplace with honesty, respect and courtesy
- not take improper advantage of their positions in order to obtain a benefit for others or themselves
- report dishonest, unethical, fraudulent or corrupt behavior or maladministration by workers or other persons at the workplace
- not seek or accept any type of unauthorised compensation, fee/payment (i.e. monetary or non-monetary), commission or gratuity from a third party in connection with the operation of Council
- not offer or accept any, hospitality, or other financial/non-financial benefit without the prior written approval of the General Manager
- not make or take any bribes, kickbacks, inducements or other illegal payments of any kind for the benefit of any person or party in connection with obtaining orders or favourable treatment or for any other purpose in connection with the operations of Council
- report in writing to the General Manager with full details of any gifts, hospitality, or other financial/non-financial benefit received by employees and
- encourage and support good faith reporting of breaches of this Policy without retribution

### *Acting with professionalism*

Professionalism is conduct that fosters and preserves reputations as individuals and that of Council. To demonstrate professionalism, employees will:

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- not engage in or tolerate infringing workplace behavior
- support and not publicly criticise decisions of Council
- not undermine or bring Council's integrity or reputation into disrepute
- work cooperatively as a team and treat workers and other persons at the workplace with respect and dignity
- exercise diligence, best endeavours and sound judgement when carrying out their duties or providing services
- maintain a professional relationship with third parties when engaged as a worker
- provide levels of service that they are competent and authorised to provide
- not make unauthorised statements or commitments on behalf of the Council

***Acting in accordance with the law and policies and procedures***

Employees should act in the spirit and intent of the applicable laws governing Council's activities and strive to be familiar with and comply with all relevant laws and policies and procedures. To demonstrate this commitment, employees will:

- respect and abide by all applicable laws, policies and procedures
- comply with all lawful and reasonable directions from authorised persons
- only act within their authority
- protect Council property, in particular, take care to avoid or minimise the possibility of theft or misuse of Council property
- only use Council property for Council purposes and in accordance with the appropriate authorisations
- not use Council property for private purposes unless authorised by their manager and
- comply with delegations and other authorisations as directed

***Declaring and avoiding conflicts of interest***

Conflict of interests can jeopardise confidence in Council. To demonstrate declaration and avoidance, employees will:

- not take on personal business or financial or private interests that compete or conflict with Council's interests
- inform their manager as soon as they become aware of possible conflicts of interest involving themselves or others and provide reasonable information about the possible conflict of interest and comply with any directions
- reasonably seek approval before taking up other employment or engagements outside of their position with Council
- declare any conflict of interest that could occur through share-holdings, ownership of real estate or being the trustee or beneficiary of a trust
- not use or take advantage of any Council property or information belonging to Council for personal benefit or for the benefit of any other person
- not engage directly or indirectly in any outside business activity involving commercial contact with Council or work for the benefit of Council commercial customers,

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suppliers or competitors without the prior written consent of the General Manager and

- disclose ownership of shares in a listed entity which deals with or competes with Council to the General Manager

***Respect privacy and do not misuse information***

To demonstrate respect for privacy and proper use of information, employees will:

- not disclose confidential information to any person or entity without the prior written consent of the General Manager
- not disclose to any person or entity without the prior written consent of the General Manager or improperly use specific information referred to in s338A and 339 of the *Local Government Act 1993 (TAS)*
- disclose, if required by applicable laws, confidential information (but not more than is necessary to discharge their legal obligations), to the relevant authority in a manner that is accurate and truthful. Before such disclosures are made and if permitted by applicable laws, employees acting as Council's representatives must advise, to the extent permitted by applicable law, the General Manager about the pending disclosure
- not use confidential information for the purpose of directly or indirectly obtaining personal gain or another benefit
- only access confidential information for authorised work related tasks
- disclose to their manager situations that may create a conflict of interest before a conflict arises, or if one does occur, immediately on becoming aware
- not encourage others to disclose confidential information or sensitive information or privileged information
- ensure the secure collection, storage and disposal of confidential information and sensitive information regardless of its medium and
- comply with applicable laws regarding declaration of any pecuniary interest they or a close associate of theirs may have regarding any matter in which they provide advice to Council, make a decision or determination or make a recommendation to Council about

***Strive to be good citizens and achieve community respect***

Council is committed to service excellence and aims to maintain public confidence and respect. To demonstrate this commitment, employees will:

- be aware that the choices they make in business activities may impact on other workers, other persons at the workplace, the community and the environment and must take this into account when making decisions
- commit to taking reasonable care to avoid acts and omissions that may adversely affect themselves, workers and other persons at the workplace
- aim to be socially, financially and environmentally responsible in the use of Council resources

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- work together to achieve Council's goals and vision
- perform their duties to the best of their ability and ensure work is carried out efficiently and effectively
- commit to equality and diversity
- strive to make a positive contribution to Council, workers and other persons at the workplace and the community
- consider the broader impact of their decisions on stakeholders and the community and
- report any corrupt or fraudulent conduct or any maladministration

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Policy Name:	Equal Employment Opportunity Policy
Policy Owner:	Human Resources Officer
Originated Date:	July 2015
Amended Date/s:	August 2015
Review Date:	December 2016
Replaced Policy:	Policy 36 – Equal Employment Opportunity
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health &amp; Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation &amp; Compensation Act 1988 (TAS)</i>
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

### 1. PURPOSE:

Northern Midlands Council is committed to the principles of equal employment opportunity in accordance with the abovementioned applicable legislation.

Council is also committed to creating and sustaining a work environment which supports mutual trust and assists individual employees to reach his or her maximum potential.

### 2. COVERAGE:

This Policy applies to all employees, Councillors, applicants for employment and persons who have dealings with Council.

### 3. REQUIREMENTS:

All persons have a right to be treated equitably and without discrimination occurring in the workplace.

Equal employment opportunity means ensuring that employment policies and practices are based on and operate according to, the principles of fairness and merit. Council is therefore

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committed to ensuring that our employment decisions and practices are free from any unlawful discrimination based on:

- race or ethnicity
- gender
- national origin
- marital status
- sexual preference
- age
- disability of impairment
- physical features
- pregnancy
- family responsibilities
- religious beliefs
- political conviction
- gender identity and
- breastfeeding

It is the intent and desire of Council that equal employment opportunity will be provided in all areas of employment, including recruitment, promotions, remuneration and benefits, and terms and conditions of employment.

In addition to this, equal employment opportunity will be demonstrated in workplace behaviours, thus ensuring the workplace is free of discrimination.

Discrimination can take many forms, some of which are direct or open. Other forms may be indirect or hidden.

***Direct Discrimination***

Occurs when a person is treated less favourably than another, simply because of a personal characteristic or status unrelated to job performance, such as gender, race, sexuality, marital status (or another characteristic from the list above).

***Indirect Discrimination***

Occurs when a Policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as age, race, family circumstances or gender (or another characteristic from the list above).

**4. RESPONSIBILITIES:**

***Managers have a responsibility to:***

- monitor the work environment to ensure that acceptable standards of conduct and behaviour are observed at all times
- model appropriate behaviour themselves
- promote this Policy within their work area

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- treat all complaints seriously and take immediate action to investigate and resolve the matter and if necessary, refer complaints to the Human Resources Officer for investigation

***All employees have a responsibility to:***

- comply with this policy
- not to participate in discriminatory behaviour in the workplace or in connection with employment
- offer support to anyone who is being discriminated and let them know where they can get help and advice. Employees who spread gossip or rumours may expose themselves to an action in defamation as spreading malicious rumours may be a form of victimisation in breach of the *Anti-Discrimination Act 1998 (TAS)* where the rumours are about the complaint and
- maintain complete confidentiality if they provide information during the investigation of a complaint

**5. ISSUES RESOLUTION PROCEDURE:**

Council is required to ensure that all employees are treated fairly and equitably and are not subject to discrimination or victimisation. Any concerns can be discussed privately and confidentially with the Human Resources Officer or one of Council's Contact Officers.

Please refer to Council's Issues Resolution Policy and Procedure to deal with issues such as these, however note that use of this Policy or Procedure is purely voluntary and not mandatory. If an employee decides not to raise the issue in the manner outlined in the Issue Resolution Policy or Procedure or by seeking external help, Council expects that this will be the end of the matter. In particular, the employee must not seek to progress the issue informally, e.g. allowing the matter to be the subject of innuendo or gossip and/or harassing the other party.

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

Any employee found to be in breach of this Equal Employment Opportunity Policy may be subject to disciplinary action, up to and including termination of employment.



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Policy Name:	Fitness for Work Policy
Policy Owner:	Human Resources Officer
Originated Date:	August 2015
Amended Date/s:	
Review Date:	December 2016
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health &amp; Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation &amp; Compensation Act 1988 (TAS)</i>
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

## 1. AUTHORITY & APPLICATION:

This Policy should be considered in the context of the following policies and procedures:

- Communications & Social Media
- Disciplinary
- Employee Code of Conduct
- Issue Resolution
- Performance Management
- Work Health & Safety

### **Definitions**

**Assessor** – the medical practitioner or allied health professional appointed by Council to examine and assess the employee's fitness for work.

**Council** - Northern Midlands Council.

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**Councillor** - an elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a Councillor as defined under section 3 of the *Local Government Act 1993 (TAS)*.

**EAP** – Employee Assistance Provider, Newport and Wildman.

**Employee** - a person who carries out work for Council as an employee of Council.

**General Manager** - the General Manager of Council as appointed under section 61 of the *Local Government Act 1993 (TAS)*.

**Infringing Workplace Behaviour** - any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

**Manager/Supervisor** - a person at the workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

**Other Persons at the Workplace** - any person at the workplace who is not a worker including visitors and ratepayers.

**Policy** - this Policy including the Authority and Application.

**Procedure** – the Fitness for Work Procedure including the Authority and Application.

**Worker** - a person who carries out work in any capacity for Council, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Council
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer
- Councillor

**Workplace** - a place where work is carried out for Council.

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***Training***

Council will provide all persons covered by this Policy with the appropriate training so they are made aware of their responsibilities and obligations under the Policy.

***Amendment***

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

***Interpretation of Policy***

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

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Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager or the Human Resources Officer.

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### ***Reporting of Breaches***

Persons covered under the paragraph 'Coverage' must reasonably report breaches of infringing workplace behaviour as follows:

For breaches by:

- an employee (other than the General Manager) the report must go to the reporting person's applicable manager and/or
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and

as otherwise required or permitted by applicable laws.

### ***Breach of this Policy***

Persons covered under the paragraph 'Coverage' who engage in infringing workplace behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure. Infringing workplace behaviour may also amount to breaches of applicable laws:

- exposing individuals to legal proceedings and
- making Council vicariously liable for the conduct of others

## **2. PURPOSE:**

The aims of this Fitness for Work Policy are to:

- ensure that Council provides a safe and healthy workplace and all employees are fit for work
- direct and guide employees at the workplace to achieve and maintain fitness for work and not to expose employees or other persons at the workplace to unreasonable risks to their health and safety
- provide a fair and flexible approach to work, health and safety which takes into consideration individual, operational and environmental circumstances
- provide a reference and framework for the Fitness for Work Procedure
- where reasonable, encourage return to work at the earliest opportunity after or despite illness or injury and
- comply with applicable laws through implementing:
  - appropriate plans, policies and programs to support and implement this Policy
  - assessment, rehabilitation and return to work resources and
  - monitoring, reviewing and verification of systems

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### 3. COVERAGE:

This Policy covers and applies to employees in relation to capacity for work where the illness or injury is not compensable under the *Workers Rehabilitation & Compensation Act 1988 (TAS)*.

This Policy does not cover or apply to behaviours that amount to or are dealt with by Council as:

- performance, which is dealt with under Council's Performance Management Policy or
- disciplinary matters, which are dealt with under Council's Disciplinary Policy

For the avoidance of doubt this Policy does not cover or apply to a Councillor.

### 4. REQUIREMENTS:

Employees must comply with this Policy.

Managers must communicate and implement this Policy within their area of responsibility.

### 5. ROLE RESPONSIBILITIES:

#### ***What are the manager's responsibilities?***

Managers are responsible for:

- taking steps to ensure the health, safety and welfare at work of workers and other persons at the workplace
- identifying and responding to reasonable concerns regarding an employee's ability to safely perform the requirements of their role
- treating all employee matters that relate to an employee's health and fitness for work, seriously, respectfully, impartially and confidentially
- ensuring consultation with employees in injury, incapacity and illness management, rehabilitation and return to work planning
- providing employees with access to information about their entitlements, rights and responsibilities regarding their capacity for work and
- considering practicable adjustments to the workplace to enable employees to perform the inherent requirements of their role
- considering alternative duties where practicable on either a temporary or permanent basis and

follow the Fitness for Work Procedure to manage employee's fitness for work.

#### ***What are the employee's responsibilities?***

Employees are responsible for:

- performing the requirements of their position

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- not attending for work if they are not fit to perform the requirements of their position
- not performing any work-related tasks that creates an unreasonable risk to the health and safety of themselves, workers or other persons at the workplace
- notifying their manager of any matter (which may include the medication they are taking) that may affect their ability to meet the requirements of their role or places the health and safety of themselves, workers or other persons at the workplace at risk
- managing individual factors which may adversely affect their fitness for work, such as ensuring adequate rest between periods of work
- complying with any reasonable and lawful directions that are reasonably necessary to assess or manage risks to safety which arise from or relate to fitness for work. This may include for example attending assessments to determine fitness for work and providing information in reasonable time frames to Council and
- notifying their manager if they have any concerns regarding the fitness for work of another worker or other persons at the workplace

**6. SEEKING ADVICE:**

Council and/or the employee may seek advice from a medical or allied health practitioner to ensure compliance with this Policy.

**7. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Council will provide wellbeing support through the provision of counselling and other relevant assistance where reasonable and appropriate

Access to the EAP is either by self-referral or referral by the Human Resources Officer or a manager at Council.

**8. CONFIDENTIALITY:**

All information related to fitness for work is considered sensitive and should be treated as strictly confidential.

Access to this information is provided only to those persons who need to know in order to manage the employee or the Fitness for Work Procedure.

Disclosure of this information to others without the employee's permission, or which is otherwise not permitted by the applicable laws is not permitted.

**9. MANAGING FITNESS FOR WORK:**

***What is the procedure?***

The Fitness for Work Procedure provides for appropriately managing fitness for work.

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***Is there a requirement to use a particular process?***

Council may implement the Fitness for Work Procedure in a manner that a manager with support from the Human Resources Officer considers reasonable in the circumstances to ensure compliance with this Policy.

***Who manages a Fitness for Work Procedure?***

Fitness for work is managed by an employee's immediate manager with support from the Human Resources Officer.

Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to the employee's immediate manager:

- a more senior manager
- the Human Resources Officer or
- an external person

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Procedure Name: Fitness for Work Procedure  
 Procedure Owner: Human Resources Officer  
 Originated Date: August 2015  
 Amended Date/s:  
 Review Date: December 2016  
 Publication Sources: 15/013 - Human Resources Policies & Procedures  
 02/03/01/01 – Human Resources – Employee  
 Infont / Documents / HR – Policies  
 Works Depot & Childcare Facility

**1. AUTHORITY & APPLICATION:**

***Definitions***

As per the Fitness for Work Policy.

***Training***

Council will provide all persons covered by this Procedure with the appropriate training so they are made aware of their responsibilities and obligations under the Procedure.

***Amendment***

Council retains the sole discretion to reasonably vary, terminate or replace this Procedure from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

***Interpretation of Procedure***

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Unless expressly provided for, this Procedure is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Procedure to the extent of any inconsistency.

It is not intended that this Procedure impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation so applicable laws. Any obligation, direction, instruction or responsibility imposed by this Procedure must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

Questions relating to the interpretation, application or enforcement of this Procedure should be directed to the person's manager or the Human Resources Officer.

## **2. GUIDELINES:**

Fitness for work procedures are to be conducted with as little formality as possible. Particular processes in this Procedure will be utilised as considered reasonably necessary to ensure effectiveness.

Procedural fairness appropriate to the circumstances should be provided to employees by their managers.

The process should ensure appropriate confidentiality for all parties.

An employee may have a support person involved. The role of the support person is to assist employees by providing emotional support, aiding the employee's understanding or by taking notes, asking appropriate questions, or requesting breaks. A support person is not to be an advocate or speak on behalf of the employee. An appropriate support person is a person who is not a party to a process or involved as a potential witness or who otherwise has a conflict of interest.

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A support person must maintain confidentiality and understand that an employees' fitness for work is a private matter between the relevant parties and the confidentiality of those processes should be respected at all times.

### 3. PROCEDURE SUMMARY:

The procedure has four main steps:

- **identify the risk or concern** – identify whether (and if so, why) it is necessary to assess an employee's fitness for work
- **assess** – obtain opinions from an appropriate assessor(s) regarding the employee's fitness for work
- **response to the assessment** – consider the report(s) provided by the assessor(s) with all other relevant information and an employee's responses before determining an appropriate outcome and
- **implement the outcome** – implement Council's decision

### 4. IDENTIFY THE RISK OR CONCERN:

#### ***Reasonable grounds***

The first step is to consider whether or not Council has reasonable grounds to require an employee to participate in a process to assess their fitness for work.

Council will have reasonable grounds if there are reasonable concerns or issues that relate to the employee's capacity to carry out the requirements of their current position in a way that ensures their safety and/or the safety of other employees and/or workers and other persons at the workplace.

For example:

- there may already be evidence that provides a reasonable basis for a view that the employee may not be fit to perform their role and it may be necessary to obtain further details
- the employee may be having performance issues that are not related to, for example, insufficient training, unreasonable time pressures or inadequate instructions about what they are required to do
- the employee may be taking excessive amounts of unexplained leave or unauthorised absence
- the employee may have been absent for work because of illness or injury for a period of time, want to return to work but not have provided any or any sufficient medical advice about their capacity to perform work safely

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- the employee may have been absent for work because of illness or injury for an extended period of time or have been certified as being incapacitated for an extended period in which case medical advice may be required to enable Council to make plans to accommodate the employees' absence and return to work
- Council may have conflicting or inconclusive expert advice or other evidence
- there may be evidence from other workers or other persons at the workplace that Council has reasonably investigated that suggests that the employee may not be fit to perform their role safely or
- the employee may claim that there are aspects of the workplace or their work that are causing a risk to health or safety

***Temporary measures to ensure safety pending receipt of the fitness for work assessment***

Where there are reasonable grounds Council may need to identify whether any temporary working arrangements need to be put in place to ensure the employees' safety or that of other employees, workers or other persons in the workplace pending receipt of the information required.

Where Council has reasonable concerns about an employees' fitness to return to work or to continue working it may, depending on the circumstances, direct the employee to:

- perform alternative duties or
- stand down

while it obtains a fitness for work assessment.

Council may pay an employee who is stood down special paid leave providing that the employee complies with any lawful and reasonable directions including reasonably co-operating with the procedure to obtain the fitness for work assessment.

***Council's response to its fitness for work concerns***

The employee should be notified that Council has identified a concern or risk and explain the reasons why it considers a fitness for work assessment is required.

The explanation may include:

- that it is necessary to obtain appropriate evidence to assess the employee's fitness for work and to ensure their safety
- that the employee's written consent will be required
- that the costs associated with the assessment will be paid by Council
- who the assessor(s) will be
- that the employee will need to attend an appointment and be examined
- that a report will be produced by the person performing the assessment which will be provided to Council
- that Council will consider the report and provide the employee with a copy and

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- that Council will keep the employee informed throughout the process and will consult with the employee at each stage

This process may take place in one or more meetings, by email or telephone or any combination as appropriate in the circumstances.

Council should consider any matters raised by the employee and address any concerns.

## 5. ASSESS:

### *Who will perform the assessment?*

Depending on the circumstances Council may obtain an assessment from a treating or non-treating medical practitioner or health professional or other relevant expert.

### *Requirements of the assessment*

Council should prepare an appropriate letter to the assessor(s) and provide the employee with a copy.

Letters to assessor(s) may include the following depending on the circumstances:

- relevant history
- risks or concerns which provide reasonable grounds for the basis for the fitness for work assessment
- a position description and/or task/duties list
- relevant reports or other documents
- details of any reasonable modifications or adjustments to the current position or alternative positions that may be available
- an invitation to the assessor(s) to visit the workplace and observe relevant tasks being performed and
- what specific questions the Council requires the assessor(s) to answer

Council may request the assessor to address any relevant matter or specific matters including whether the employee is:

- fit to undertake the inherent requirements and job demands of their current position
- fit to perform their current role with reasonable modifications or adjustments and/or a rehabilitation program (and for what period)
- presently unfit but will be fit to return to their current role at some stage in the foreseeable future
- unfit for their current position now but will be fit to return to modified or alternative duties in the foreseeable future
- unfit for their current role but fit for alternative duties (and if so what) on a temporary or permanent basis and

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- permanently unable to carry out their current role and unable to do so into the foreseeable future

Council should consider any matters raised by the employee regarding the requirements of the assessment.

In some circumstances it may be reasonable for Council and the employee to meet with the assessor and discuss the fitness for work assessment in which case it will only do so with the employees' consent which should not be unreasonably withheld. In some cases this will allow the assessor to better explain matters which are unclear and allow the information to be obtained faster. In these circumstances a written report may not be necessary.

## 6. RESPONSE TO THE ASSESSMENT:

### *Consider potential outcomes from fitness for work assessment*

Council should consider the report(s), all relevant circumstances and potential outcomes.

Potential outcomes may include:

- returning the employee to their current position
- returning the employee to their current position with reasonable modifications, or adjustments
- implementing a return to work plan to return the employee to their current position
- the employee returning to work in an alternative role either temporarily or permanently
- permanent incapacity – which may subsequently result in termination of employment
- offering support to assist the employee to find suitable employment elsewhere
- a period of authorised absence while the employee receives treatment to recover from a temporary incapacity or
- any other relevant option appropriate in the circumstances

### *Employee's response*

Council should provide the employee with:

- a copy of the assessor's report(s) and any other evidence to be relied upon and
- details of the potential outcome

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Council should consider the appropriate process for providing this information. Generally it will be sufficient to send the employee a copy of the report and a letter explaining the potential outcome. There may be some circumstances where the report contains sensitive information and/or medical advice restricting what information should be provided to the employee or how the information is provided to the employee.

For example, if the employee is suffering from a mental illness, the report itself may aggravate their illness and steps may need to be taken to reduce that risk such as ensuring that they read the report in a safe environment with a support person or their general practitioner present.

A follow-up meeting should be held with the employee to consult about the report and potential outcome. This allows the opportunity for the report to be explained in full to the employee and for the employee to propose alternative outcomes.

After consideration Council will make a final decision and advise the employee in a manner reasonable for the circumstances, setting out the reasons for the decision and providing any supporting documentation.

## **7. IMPLEMENT THE OUTCOME:**

### ***Fit for modified/alternative duties or with provision of services or facilities***

If an employee is found to be fit for adjusted/modified or alternative duties Council consider whether operationally those duties can be reasonably provided and utilised and if so those duties will be provided.

If an employee is able to perform the inherent requirements of their role after the provision of services or facilities Council should consider whether those services or facilities can be reasonably provided and if so make provision for them.

If an employee is to perform adjusted/modified or alternative duties or to use services or facilities provided, their manager will take reasonable steps to ensure that they are provided directions as to what they are reasonably permitted to do or how the services or facilities are to be used.

The manager will assess the employee's ongoing fitness for work as reasonably required and provide directions as necessary.

Where duties are changed to accommodate an incapacity Council should make it clear in writing whether the change in duties is temporary or permanent. If it is temporary, timeframes for review should be agreed.

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If the employee agrees to perform an alternative position on a permanent basis, a new contract of employment should be entered into.

Any safer role or method of work, alternative duties, or alternative location must comply with any applicable laws and must be consistent with medical advice.

A safer role or method of work, alternative duties, or alternative location may include:

- the same job with different hours or modified duties
- parts of the job the employee was performing before the injury
- different hours and/or modified duties
- duties at the same worksite or a different worksite
- duties at the same workplace or a different workplace
- a different job or duties
- training opportunities and
- any other reasonable alternative not described above

These methods will be identified after consultation with relevant parties and will be specified in writing.

***Temporarily Unfit for Work***

If the employee is:

- temporarily unfit for work and not fit for modified or alternative duties or
- is fit for modified or alternative duties but those duties cannot be reasonably provided or
- would be able to perform their role with provision of services or facilities but it is not reasonable for those services or facilities to be provided

they will be entitled to take an authorised period of absence.

If the employee has accrued paid personal leave entitlements they will be able to access those entitlements. If they have exhausted their paid personal leave entitlements they may be entitled to authorised leave without pay.

Council should implement a plan for regular reviews of the employee's fitness for work as appropriate and/or as recommended by the assessor(s).

Council should keep in regular contact with the employee to provide support which may include access to the EAP.

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***Unfit for Work***

There may be circumstances where the employee is unfit for any work and it is reasonable for the Council to consider a fair process to terminate the employment. These circumstances may include where the employee:

- is permanently unable to carry out the inherent requirements of their substantive position and is unable to do so for the foreseeable future or is unable to do so for a period that is longer than a temporary absence that cannot be reasonably accommodated
- there are no reasonable adjustments or modifications to their substantive position that can be made or services or facilities that could be reasonably provided to allow them to continue to perform it and
- there are no reasonable alternative duties

***Fit for Work***

Where the employee is fit to undertake the inherent requirements of their current position they should continue or recommence their current duties with monitoring as appropriate.



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**SCHEDULE 1**

**AUTHORITY TO PROVIDE MEDICAL INFORMATION FOR FITNESS FOR WORK  
ASSESSMENT**

To \_\_\_\_\_

**Employee Details**

Name \_\_\_\_\_

Date of birth \_\_\_\_\_

Address \_\_\_\_\_

Injury/illness \_\_\_\_\_

**Employer's Details**

Name \_\_\_\_\_

Contact name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Telephone \_\_\_\_\_

**I authorise you to provide medical opinion and information as requested by my employer  
that is relevant to my injury/illness and my capacity for work.**

Signed \_\_\_\_\_

Dated \_\_\_\_\_

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Policy Name:	Health & Wellbeing Policy
Policy Owner:	Human Resources Officer
Originated Date:	October 2015
Amended Date/s:	
Review Date:	December 2016
Replaced Policy:	Policy 57 – Health & Wellbeing Policy
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health &amp; Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation &amp; Compensation Act 1988 (TAS)</i>
Publication Sources:	15/013 - Human Resources Policies & Procedures 02/03/01/01 – Human Resources – Employee Infonet / Documents / HR – Policies Works Depot & Childcare Facility

## 1. AUTHORITY & APPLICATION:

This Policy should be considered in the context of the following policies and procedures:

- Fitness for Work
- Work Health and Safety Policy

### **Definitions**

**Council** - Northern Midlands Council.

**Councillor** - an elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a Councillor as defined under section 3 of the *Local Government Act 1993 (TAS)*.

**Employee** - a person who carries out work for Council as an employee of Council.

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**Employee Assistance Program** – a confidential and free counseling service offered to employees who may need help with personal or work-related problems.

**Manager/Supervisor** - a person at the workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

**Policy** - this Policy including the Authority and Application.

**Training**

Council will provide all persons covered by this Policy with the appropriate training so they are made aware of their responsibilities and obligations under the Policy.

**Amendment**

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

**Interpretation of Policy**

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.

‘Including’ and similar expressions are not words of limitation.

A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.

Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee’s contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.

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It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation so applicable laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager or the Human Resources Officer.

**2. PURPOSE:**

The Northern Midlands Council is committed to providing employees with a safe, healthy and supportive environment in which to work. Council recognises that the health and wellbeing of its employees is important and as such, will commit to providing a supportive workplace culture where healthy lifestyle choices are valued and encouraged. Council will also encourage employees to provide input into health and wellbeing initiatives.

**3. COVERAGE:**

This Policy covers and applies to all employees of the Northern Midlands Council.

For the avoidance of doubt this Policy does not apply to a Councillor.

**4. REQUIREMENTS:**

Employees are encouraged to understand this Policy and seek clarification from management or the Human Resources Officer where required. Employees should:

- consider this Policy while completing work-related duties and at any time when representing Council
- support fellow employees in their awareness of this Policy
- support and contribute to Council's aim of providing a safe, healthy and supportive environment for all employees

Managers have a responsibility to:

- promote this Policy in their area of responsibility
- ensure that all employees are made aware of this Policy
- actively support and contribute to the implementation and review of this Policy