



# Employee Policy Handbook

Current from 6<sup>th</sup> December, 2024

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## **ANTI-DISCRIMINATION, EQUAL OPPORTUNITY, VILIFICATION AND VICTIMISATION PREVENTION POLICY**

Full Moon Hotel (“Employer”) is committed to ensuring a workplace free from unlawful discrimination. Discrimination that is prohibited under the relevant discrimination and industrial relations legislation is unacceptable and will not be tolerated under any circumstances.

Full Moon Hotel is an equal opportunity employer. At all stages of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, redundancy, and termination) staff will be treated on their merits and valued according to how well they perform their duties and, on their ability, to maintain Full Moon Hotel’s standards of service.

Employers may be held vicariously liable for unlawful discrimination committed by employees or agents in connection with their employment unless all reasonable steps are taken by the employer to prevent the discrimination from occurring.

Full Moon Hotel believes that all employees should be able to work in an environment free of discrimination, victimisation, and vilification. We consider these behaviours unacceptable, and they will not be tolerated under any circumstances.

All employees of Full Moon Hotel share this responsibility and must respect the rights and dignity of fellow employees and never encourage or participate in unlawful discrimination, victimisation, and/or vilification. Compliance with this policy will contribute to a safe, health work environment and ensuring the wellbeing and performance of our employees.

The scope of this policy covers managers, employees, contractors, and patrons.

### **Full Moon Hotel aims to:**

- Implement training and awareness to ensure that all employees know their rights and responsibilities.
- Provide an effective procedure for complaints.
- Treat all complaints in a sensitive, fair, timely and confidential manner.
- Promote appropriate standards of conduct at all times.
- Encourage the reporting of conduct which breaches this policy.
- Protect employees making complaints under this policy.

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### **LEGISLATION**

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Equal Employment Opportunity is covered under the provisions of the *Work Health and Safety Act 2011*, *Australian Human Rights Commission Act 1986*, *Age Discrimination Act 2004*, *Disability Discrimination Act 1992*, *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Workplace Gender Equality Act 2012* and the *Anti-Discrimination Act 1991* and this legislation will apply in conjunction with this policy.

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## WHAT IS UNLAWFUL DISCRIMINATION?

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The *Anti-Discrimination Act 1991* (Qld), as amended, provides that it is unlawful to discriminate against people on the basis of a defined attribute in an area of activity.

Discrimination is defined under the Act as including:

**Direct discrimination** occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more the attributes list below. Direct discrimination may involve:

- Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment;
- Expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work e.g., 'Women with young children shouldn't work' or 'Older workers can't learn new skills';
- Using selection processes based on irrelevant attributes such as age, race, or impairment rather than on skills really needed for the job.

**Indirect discrimination** occurs when one rule applies to all but results in disadvantage to a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed below, whether this is intended or not. For example, not considering the provision of reasonable adjustments would disadvantage a person with an impairment who may be able to perform the essential parts of the job in a different way.

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## WHAT ARE THE ATTRIBUTES FOR WHICH IT IS UNLAWFUL TO DISCRIMINATE?

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Discrimination on the following attributes is unlawful:

- Sex: male or female or other.
- Relationship status: single, married, divorced, widowed, living with your partner (sometimes called 'de-facto').
- Pregnancy: is or is capable of being pregnant, expressed desire to be pregnant, perceived likelihood of becoming pregnant.
- Parental status: whether a person is a parent (includes step, adoptive, foster parent or guardian) or not having any children at all.
- Breastfeeding: a mother breastfeeding her child (permitted everywhere) or needing to be breastfeed, this includes doing things associated with breastfeeding, like expressing milk.
- Age: the age, or perceived age, of a person (young or old).
- Race: skin colour, the language a person speaks, descent, ancestry, ethnicity, ethnic origin, nationality, national origin.
- Impairment: a condition (previous or existing) illness or disease, physical, intellectual or sensory disability, condition that impairs thought process and perception of reality, reliance on wheelchair or assistance dog, total or partial loss of a bodily function, malformation or disfigurement.
- Religious belief or activity: holding or not holding, engaging in, or not engaging in or refusing to participate in a religious belief or activity.
- Political belief or activity: engaging in or refusing to engage in political activities; holding or not holding political views.
- Trade union activity: being a member or not a member of a union.
- Lawful sexual activity: a person's status as a lawfully employed sex worker.



- Gender identity: a person's identification as a member of the opposite sex or as indeterminate sex and seeking to live as a member of a particular sex.
- Sexuality: heterosexuality, homosexuality, bisexuality.
- Family responsibilities: to care for or support any member of a person's immediate family (e.g., child, partner (ex-partner included), grandparent, parent, sibling, stepchild, adopted or foster child etc.). It can also include looking after the family of your husband, wife, de facto partner, or ex-partner.
- Association with, or relation to, a person identified on the basis of any of the above attributes.

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## **WHAT ARE THE AREAS OF ACTIVITY IN WHICH IT IS UNLAWFUL TO DISCRIMINATE?**

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An area of activity can include but is not limited to work and work related areas, provision of goods and services, education, superannuation and insurance, disposal of land and accommodation.

In work and work related areas it is also unlawful to discriminate in the area of pre-work (i.e. during the recruitment and selection process).

In the workplace, discrimination can occur between an employer and a potential or current employee, between two (2) or more employees, or between employees and contractors, guests, or patrons.

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## **WHAT IS VILIFICATION?**

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Vilification is behaviour that:

- Happens in a public place; and
- Incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality, or gender identity.

Vilification on the basis of a person's race, religion, gender identity or sexuality is unlawful. Workplaces can be considered public places which means that any conduct as any conduct which can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered to have happened in a public place.

Examples of vilification include:

- Placing a poster or sticker on the customer service desk which incites others to hate people because of their race, religion, sexuality or gender identity;
- Hate graffiti written on work toilet walls which incites hatred because of race, religion, sexuality or gender identity;
- Wearing of symbols, badges or clothing in the workplace that incite hatred;
- An employee abusing another person because of their race, religion, sexuality or gender identity in the workplace which encourages others to hate people of that group;
- A work colleague making a speech in the workplace that incites hatred of people because of their race, religion, sexuality, or gender identity.

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## **WHAT IS VICTIMISATION?**

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Victimisation occurs when a person does an act, or threatens to do an act against a person because:

- They have made a complaint (complainant), or are associated with a person who has made a complaint, under this policy or
- They have had a complaint made against them (respondent) or are associated with a person who has had a complaint made against them, under this policy.

Adverse action taken against a complainant may be unlawful under the Fair Work Act 2009 (Cth). Full Moon Hotel will not tolerate victimisation of a complainant, respondent or person legitimately associated with the resolution of a grievance.

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## **RESPONSIBILITIES OF MANAGERS AND EMPLOYEES**

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Employee responsibilities include:

- Complying with this policy;
- Not engaging in unlawful discrimination, vilification; and victimisation;
- Maintaining privacy during investigations; and
- Reporting incidents\* to their managers.

\* This means that any employee who suspects that unlawful discrimination, vilification, or victimisation are occurring, or sees an instance of unlawful discrimination, vilification, or victimisation, must report the incident/s to Lucinda Black (Director). Failure to do so may be viewed as the employee causing or aiding the unlawful activities.

An employee concerned about possible discrimination, vilification and/or victimisation should raise their concerns with their immediate Manager. If an employee is not comfortable doing this verbally, the matter should be submitted in writing to Management. These behaviours are against the law! Employees who witness any form of these behaviours by another person/s have a responsibility to report this type of conduct to Management.

Manager responsibilities include:

- Monitoring the work environment for unacceptable behaviour;
- Modelling acceptable behaviour;
- Promoting this policy and training staff to identify and prevent discrimination, vilification, and victimisation; and
- Treating all complaints seriously, and confidentially, and referring the complaint immediately to Lucinda Black (Director)

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## **WHAT SHOULD I DO ABOUT DISCRIMINATION, VILIFICATION OR VICTIMISATION?**

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If you believe you have been discriminated, vilified, or victimised, you have the right to lodge a complaint with People and Culture Manager or approved manager. Complaints should be lodged immediately so that an investigation can be undertaken.

All complaints of discrimination, vilification and/or victimisation will be treated seriously, confidentially, and impartially. Where discrimination, vilification and/or victimisation has been identified, action will be taken to ensure that the unlawful behaviour stops immediately.

In the event the complaint is about the Manager, the complaint should be lodged with Lucinda Black (Director).

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## **INVESTIGATION PROCESS**

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An employee who believes they have been discriminated, vilified and/or victimised against should follow the following process to have their complaint resolved:

Step 1: The employee is to contact the Manager to advise them of the alleged incident. At this step the employee may be asked to document their complaint and provide details of when the alleged incident occurred, what happened, who engaged in the alleged incident, whether there were witnesses present as well as other relevant details.

Step 2: The Manager shall, upon receipt of the details of the complaint, commence an investigation into the complaint. This may involve interviewing witnesses, the complainant, the alleged offender, and seeking other information to allow them to determine whether incident has occurred.

At this step the Manager may also seek for an external party, to undertake the investigation.

Step 3: The investigator shall make a finding on the balance of probabilities having regard to the information gathered and the likelihood the incident did occur. The finding shall be reflected as either the complaint is substantiated, or the complaint is not substantiated.

Step 4: The investigator shall advise the employee making the complaint and the person alleged to have discriminated or vilified or victimised (separately) of their findings and shall advise each party of the implications of the findings.

Where the investigator is a person external to the workplace, the investigation report will be provided to the Manager (or an alternative person appointed in the event the complaint involves the venue's manager) who will then determine the appropriate outcome of the report findings.

The investigation process shall take no longer than two weeks, except where the gathering of relevant information necessitates a longer process. In this instance the investigator shall keep the complainant aware of the timeframes.

At any stage of the investigation process, the complainant may seek to have a support person present.

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## **IMPLICATIONS OF DISCRIMINATORY BEHAVIOUR**

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Unlawful discrimination is strictly prohibited under the relevant legislation and will not be tolerated under any circumstances.

Where, following a thorough investigation, an employee is found to have engaged in discriminatory behaviour, the employee may face disciplinary action including termination of employment.

In addition, where an employee is found to have deliberately fabricated allegations of discrimination, that employee may face disciplinary action including termination of employment.

The details of any disciplinary action taken against any person in relation to the complaint will be kept confidential by the Employer and will not be disclosed to any other person.

Any action taken shall be in line with the *Discipline and Termination Policy*.

*The Below Listed Policies / Documents Interact with this Policy:*

- *Code of Conduct*
- *Out of Hours Conduct Policy*
- *Computer, Email and Internet Policy*
- *Social Media Policy*
- *Discipline and Termination Policy*

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## **SUPPORT AND COUNSELLING**

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The Employer encourages employees to seek wellbeing support and counselling by contacting professional and confidential counselling services for example Lifeline Australia on 13 11 14 or Beyond Blue on 1300 22 4636.



## **APPLYING FOR LEAVE**

Both casual and permanent employees have certain leave entitlements, with some paid, and some unpaid. These minimum entitlements for all employees are provided under the National Employment Standards (“NES”). However, if an employee is covered by a Modern Award or an Enterprise Agreement, their leave provisions will be provided as per these industrial instruments where they provide the same or better conditions.

The below table depicts the minimum leave entitlements available to employees in accordance with the NES and as reflected in other relevant legislation:

<b>TYPE OF LEAVE</b>	<b>Permanent Employee</b>	<b>Casual Employee</b>
<b>Annual Leave</b>	Paid as per the NES	No entitlement to this leave
<b>Personal Leave</b>	Paid as per the NES	No entitlement to this leave
<b>Carer’s Leave</b>	Paid as per the NES / Unpaid where paid entitlement exhausted	Unpaid as per the NES
<b>Compassionate Leave</b>	Paid as per the NES	Unpaid as per the NES
<b>Long Service Leave</b>	Paid as per the NES and the <i>Industrial Relations Act 2016 (QLD)</i>	Paid as per the NES and the <i>Industrial Relations Act 2016 (QLD)</i>
<b>Community Service Leave (including Jury Service Leave)</b>	Unpaid generally, however Jury Service Leave element is paid to a limit of 10 days per occasion, as per the NES	Unpaid as per the NES
<b>(NES Unpaid) Parental Leave</b>	Unpaid as per the NES	Unpaid as per the NES
<b>(Government Paid) Parental Leave</b>	Paid subject to Government approval as per the <i>Paid Parental Leave Act 2010</i>	Paid subject to Government approval as per the <i>Paid Parental Leave Act 2010</i>
<b>Family and Domestic Violence Leave (FDV leave)</b>	10 days paid as per the NES for all employees	10 days paid as per the NES for all employees

Paid and unpaid leave entitlements are provided by The Full Moon Hotel (“Employer”) in accordance with the *Fair Work Act 2009*, as well as a Modern Award (if one applies to the employee) in relation to FDV leave, as FDV leave is dealt with in both the *Fair Work Act 2009* and Modern Awards. Long Service Leave is provided for in the *Industrial Relations Act 2016*.

## **APPLYING FOR LEAVE**

Employees are required to complete an application of leave via FoundU no later than 4 weeks prior to the leave sought, wherever possible. The exception to this is where personal/carers’ leave, compassionate leave or FDV leave is sought.

Once the Employer has approved the leave sought, the employee will be notified of this.

Where leave is sought, and it is not approved by the Employer, the Employer accepts no responsibility for monies lost as a result of any payments or deposits made by the employee to external persons in advance of the leave being approved.

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## **NOTICE OF PERSONAL/CARER'S LEAVE AND FDV LEAVE**

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Employees unable to attend work due to personal illness or injury, or to care for an immediate family member or member of the employee's household who requires care due to illness, injury or an unexpected emergency are required to notify the Manager on Duty / direct line Manager as soon as practicable. Should employees need to access FDV leave, they should also notify the employee's manager as soon as practicable. Ideally this is prior to the shift commencing so that alternative rostering arrangements can be made. The employee should advise the employer of the period (or expected period) of either form of leave.

The Employer may request that an employee provide reasonable evidence of the need to take the leave sought, regardless of whether it is a form of paid leave or not.

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## **EVIDENCE REQUIREMENTS FOR PERSONAL/CARER'S LEAVE AND FDV LEAVE**

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Where an employee seeks to take personal/carer's leave, compassionate leave, or FDV leave, the Employer may request that an employee provide reasonable evidence of the need to take the leave sought, regardless of whether it is a form of paid leave or not.

An employee shall not receive payment for personal/carer's leave, compassionate leave or FDV leave until they provide the satisfactory evidence as requested, and the absence from work until such evidence is provided shall be noted as an unauthorised unpaid absence. Where satisfactory evidence is provided, the absence for the period covered by the evidence will be noted as an authorised absence.

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## **NOTICE TO TAKE LEAVE**

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### **ANNUAL LEAVE**

#### **Award-based Employees**

In accordance with the Hospitality Industry (General) Award 2020 ('the Award'), Full Moon Hotel may require the employee to take paid annual leave as part of a temporary shutdown of operations, by the giving of at least 28 days' notice in writing (or a shorter notice period if agreed with the majority of relevant employees).

#### Excessive Annual Leave Accrual

Full Moon Hotel may direct the employee to take annual leave by giving of at least 8 weeks' but no more than 12 months' notice where the employee has excessive annual leave accrual\*, where genuine attempts to reach agreement about when to take the leave have been made and agreement cannot be reached.

\*excessive annual leave - more than 8 weeks' paid annual leave accrual, or 10 weeks for a shiftworker as defined under the Award.

### **Award-Free Employees**

In accordance with the NES, Full Moon Hotel may require the employee to take a period of paid annual leave, but only if the requirement is reasonable.

### **LONG SERVICE LEAVE**

Full Moon Hotel may direct the employee to take long service leave by the giving of at least 3 months' written notice of the date on which the employee must take at least 4 weeks' long service leave where the Employer and employee cannot agree on the time when long service leave is to be taken.

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### **UNAUTHORISED ABSENCE / EXCESSIVE ABSENTEEISM**

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Monitoring of employee absence will occur.

Where absenteeism is deemed excessive (ie. average of more than 10 days of personal/carer's leave per year) or a pattern of absenteeism is established (eg. directly before or after rostered days off or annual leave, or on weekends or public holidays), discussions will be initiated with the employee to determine reasons for the absenteeism.

The employee must work with their Employer to consider and discuss options to reduce their absenteeism.

Where the reasons and/or evidence provided does not satisfy the Employer that the absenteeism is for genuine reasons and/or where the employee has been noted as being on unauthorised absence multiple times over a period, the employee may be subject to disciplinary action including termination of employment.

Any action taken shall be in line with the *Discipline and Termination Policy*.

*The Below Listed Policies / Documents Interact with this Policy:*

- *General Conduct Policies*
- *Discipline and Termination Policy*

## **ARMED ROBBERY POLICY**

An armed robbery is a dangerous and stressful event. This policy will complement existing safety and security measures in place. However, as Full Moon Hotel ("Employer") cannot guarantee an armed robbery or other theft will not occur, it is vital that employees are aware of how to behave before, during and after an armed robbery.

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### **POLICY STATEMENT**

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Employees are entitled to work in a safe environment and are obliged to work in a safe manner to ensure, to the best of their ability, that persons in the workplace including customers, guests and suppliers and other team members can enjoy a safe environment. In the event an employee is on duty during an armed robbery or other theft, remember that the **safety of employees and customers is the top priority** - stock and cash are insured and can be replaced.

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### **ARMED ROBBERY AND HOLD-UP PROCEDURE**

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To minimise the risk to employees and to others during an armed robbery or theft of any kind employees are required to familiarise themselves with all of the information below and to act in a manner which does not jeopardise the safety or security of themselves, Full Moon Hotel, other employees or others in the workplace.

To assist in the prevention of an armed robbery or hold-up, management encourage employees to be wary of, and note suspicious behaviour (by recording car registration numbers or descriptions of suspicious people). Employees witnessing suspicious behaviour should report this to their supervisor/manager immediately, who will then contact the authorities where required.

Employees should also:

- Ensure conditions are normal before entering or leaving the workplace;
- Follow cash clearance procedures to keep cash levels to a minimum;
- Keep safes, strongrooms or store rooms locked at all times; and
- Ensure rear entrances and windows are secured when not in use.

***Where on duty and involved in an armed robbery take the following steps:***

#### During the event

- Never attempt to stop the offender or in any way intervene while the crime is being committed;
- Stay calm and quiet – mentally say to yourself "Be calm";
- Comply with the demands of the offender – no more and no less;
- Avoid sudden movements;
- Make your actions deliberate and open – keep hands visible;
- Tell the offender what you are doing e.g. "I'm opening the till drawer";
- Avoid eye contact;
- Where possible try and stand side on to the offender; and
- Make mental notes of the offender's physical features including colour of hair, eyes and skin tone, height, distinguishing marks (scars, tattoos, facial features), their clothes including

colour and type, any accessories such as rings, earrings or watches, the offender's speech or accent, names or nicknames if more than one offender and any weapons used (type, colour, size).

#### After the event

- Take note of the direction of travel and mode (car, foot etc.);
- Secure premises so the offender cannot return;
- Immediately activate the silent alarm and call police and keep the line open;
- Advise supervisor/manager;
- Cordon off the area where the offender has been, and stop anyone entering the area;
- Preserve all the evidence – avoid contamination by touching or disturbing the area;
- Separate any witnesses and ask them to remain until police have arrived and to write down details of the incident and a description of the offender;
- Complete identification chart or write down details of the event and description of the offender;
- Do not speak to any media or people not involved in the event; and
- Management will provide you with reasonable post-event service or assistance.

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#### **CONTACTS**

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In the event of an armed robbery, contact the following people:

**Police – Dial 000** (keep line open) – also use if an Ambulance is required.

Contact Person	Name	Telephone Number
Hotel Licensee:	Toby Black	0438 174 510
Hotel Manager:	Jessica Walmsley	0401 736 401
Duty Manager:	Manager on Duty	0436 858 008
Retail Manager	Scott Strathearn	0434 742 905



## **CODE OF CONDUCT**

Employee covers managers, staff and contractors and they are all included in the scope of this policy.

Our business is committed to delivering services with integrity, efficiency, and care with the highest standard of professionalism and accountability.

All parties involved in the business have a responsibility to treat everyone with respect and dignity. As representatives of Full Moon Hotel ("Employer"), we have a responsibility to engage in the highest level of business integrity, acceptable conduct and be accountable for personal decisions made.

This Code of Conduct is a guide for all Full Moon Hotel employees and contractors in how to fulfil all responsibilities in making fair decisions, identifying acceptable conduct, and developing a positive culture in the workplace.

Full Moon Hotel has a commitment to the underlying values of:

- Managing risk for the safety of employees, patrons, and contractors of the public
- Valuing the contribution of all
- Respecting confidentiality, integrity, and honesty
- Open, respectful, and honest communication
- Recognition and valuing equity and diversity
- A professional work ethic

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### **EMPLOYEE OBLIGATIONS TO THE EMPLOYER**

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The obligations of an employee to an Employer under Common Law may be summarised as follows:

1. Obey all lawful and reasonable commands;
2. Exercise care and skill in the performance of work;
3. Exercise Good faith;
4. Account for monies received;
5. Keep Confidential Information confidential; and
6. Recognise that ownership of inventions and research in the course of employment remains with Full Moon Hotel ("Employer").

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## **OBEY ALL LAWFUL AND REASONABLE COMMANDS**

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Employees have a duty to carry out all lawful and reasonable directions of the Employer. These include all directions reasonably associated with the employee's duties having regard to the employee's skills, expertise, qualifications, and position. It also includes compliance with all policies and procedures issued by the Employer.

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## **EXERCISE CARE AND SKILL IN THE PERFORMANCE OF WORK**

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Employees owe a duty of care to carry out their work in a skilful and competent manner and to exercise reasonable care. This includes not wilfully or recklessly causing injury / illness to others or damage to property and / or equipment in the course of doing their work. Employees must develop and maintain levels of knowledge and skills in line with their responsibilities and position. Employees must attend work in a fit state to safely and diligently carry out their duties

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## **GOOD FAITH**

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There is a duty placed upon employees to act in the Employer's interests so that they do not knowingly cause harm to the Employer either by some adverse form of conduct or the omission of some conduct. Employees must not carry on their own business in direct competition with the Employer, fail to promote the Employer's business when required, or encourage customers to utilise the services of the Employer's competitors.

Employees must not fail to disclose information concerning the operation of the Employer's business or improper conduct of a fellow employee.

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## **ACCOUNT FOR MONIES**

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Employees must not make secret profits at the Employer's expense or use the Employer's time or resources for their own self-serving purposes.

Employees must also take all due care when handling the Employer's monies and ensure appropriate records of monies are created and maintained. Employees must use the resources of Full Moon Hotel to achieve the greatest return for the business and avoid waste of business resources.

Employees must maintain assets and use them economically and only for the approved purposes.

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## **MAINTAIN CONFIDENTIALITY**

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Employees must not disclose or use, either for their own benefit or anyone else's, any confidential information which they may acquire during their employment. This includes, but is not limited to, client lists, marketing strategies, information regarding monetary takings, and information pertaining to hotel guests or patrons. This obligation will still apply after their employment with the Employer has ended.

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## INTELLECTUAL PROPERTY

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Employees must recognise that ownership of inventions and research created in the course of employment remains with the Employer, regardless of whether or not such inventions and research were conducted using the employee's time and / or resources.

Employees are not permitted to trademark, copyright, or otherwise use such inventions and research for their own or anyone else's purposes, either during employment or after their employment with the Employer has ended, without the express permission of the Employer.

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## CONFLICT OF INTEREST

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Full Moon Hotel understands that you may choose to hold a second job in addition to your role with us. Under this policy you must:

- Advise your manager prior to seeking secondary employment (or for the new employees, at the time of appointment)
- Not accept a second position that may create a conflict of interest (for example, secondary employment in the same industry [whether with a competitor, a contractor, or client]), or secondary employment that creates a potential workplace health and safety issue (for example working a second job for long hours that may impact your own and co-workers' safety)

Should you choose to accept a position which the Full Moon Hotel believes creates a conflict of interest, you may unfortunately forfeit your position with the company and will be given notice to this effect.

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## NON-COMPLIANCE WITH THIS CODE OF CONDUCT

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Any employee found, following a thorough investigation, to have breached this Code of Conduct may be subject to disciplinary action which may include termination of employment.

Any action taken shall be in line with the *Discipline and Termination Policy*.

*The Below Listed Policies / Documents Interact with this Policy:*

- *All other Policies and Procedures issued by the Employer relating to employee conduct and performance*
- *Discipline and Termination Policy*

## **COMPUTER, EMAIL, AND INTERNET POLICY**

This policy sets out guidelines for computer, email, and internet use by employees of Full Moon Hotel ("Employer"). The primary purpose for which access to the internet is provided by Full Moon Hotel to its employees is to assist them in understanding and carrying out the duties of their employment.

In addition to use for work purposes, employees may use computers, email and internet access provided by Full Moon Hotel for reasonable private purposes provided it is consistent with the 'Acceptable Use' guidelines below.

Full Moon Hotel owns the information technology system used in the workplace and employees should have no expectation of privacy when using work provided facilities for private use as Full Moon Hotel may conduct occasional monitoring of system activity including reviewing work provided emails and checking internet usage and access.

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### **ACCEPTABLE USE**

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Acceptable use is deemed as that use by employees of Full Moon Hotel computer for personal email and internet usage, provided that **in each case the personal use has been authorised**.

Such use must:

- Be moderate in time,
- Not incur unnecessary or significant cost for Full Moon Hotel,
- Not be used to endanger, offend, discriminate, harass, or sexually harass another person, or contravene other laws, and
- Not interfere with the employment duties of the employee or his or her colleagues.

The following are examples of where employees may use the internet access provided by Full Moon Hotel;

- Work-related purposes.
- Sending and receiving personal emails, provided that if emails are sent with a Full Moon Hotel email address, they must contain the standard Full Moon Hotel disclaimer within the email to the effect that the views of the sender may not represent those of Full Moon Hotel.
- Reading and posting personal messages, provided that if emails are sent with a Full Moon Hotel email address, they must contain a disclaimer within the email to the effect that the views of the sender may not represent those of the hotel.
- Using instant messaging software for personal purposes.
- Accessing the internet for personal purposes; and
- Utilising any other internet service or protocol for personal purposes after obtaining permission to do so from management.

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## WHAT IS NOT ACCEPTABLE USE

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Except during an employee's duties, or with the express permission of Full Moon Hotel, the internet access provided by Full Moon Hotel may not be used for:

- Accessing pornographic, illicit, or inappropriate material.
- Causing any other person to view content which is pornographic, illicit, or inappropriate.
- Personal commercial purposes.
- Sending unsolicited bulk email.
- Disseminating confidential information of Full Moon Hotel.
- Any illegal purpose.
- Causing interference with or disruption to any network, information service, equipment, or any user.
- Causing disruption to scheduled work tasks (including excessive time spent accessing the internet and / or at inappropriate times)
- Disseminating personal contact information of officers or employees Full Moon Hotel without their express consent.
- Downloading or requesting software or media files or data streams that the employee has reason to believe will use a greater amount of network bandwidth than is appropriate – this includes music or games; and
- Use of social networking sites, except in accordance with the 'Private Use' guidelines below.

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## USE OF SOCIAL NETWORKING SITES – PRIVATE USE

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Social networking refers to platforms where people can interact with others, usually via the internet.

Work related comments posted on online networking sites are considered by management to be behaviour which constitutes off duty conduct and as such disciplinary action may be taken for activity engaged in on social networks such as Instagram, Facebook, Twitter etc. that may have a negative impact on either the business, other staff, or stakeholders such as suppliers.

Any negative reference relating to the workplace made on a public domain can affect the reputation of the business and therefore the author could also be subject to a defamation claim.

Full Moon Hotel recommends that individual social networking profiles not include reference to the employee's place of employment. Even where the profile has privacy settings in place, 'friends' or 'contacts' who read posts may share those posts to external parties, including Full Moon Hotel, meaning the posts can be very public.

Employees may be asked to provide explanation for information contained within online public domains where it relates to the profitability, reputation, or viability of the Employer.



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## UNACCEPTABLE USE IS PROHIBITED BY THE EMPLOYER

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Where the Employer is satisfied that unacceptable use of Full Moon Hotel provided computer, email or internet has occurred, employees may face disciplinary action including termination of employment or contract in accordance with Full Moon Hotel *Discipline and Termination Policy*.

The Below Listed Policies / Documents Interact with this Policy:

- *Social Media Policy*
- *Out of Hours Conduct Policy*
- *Discipline and Termination Policy*

## **DISCIPLINE AND TERMINATION POLICY**

This policy aims to ensure that proper procedures are followed when action is taken regarding an employee or manager who has not been performing their job to the standard required or is the subject of allegations in respect to misconduct.

While every disciplinary matter should be addressed on a case-by-case basis, taking into account the severity of the issue, the following presents a guide to ensuring procedural fairness is afforded when taking disciplinary action.

Action may be taken to assist an employee to change unacceptable behaviour or performance and ensure that all employees are treated fairly. It will also address the option of terminating an employee for unacceptable behaviour or performance (as a last resort), or for serious misconduct.

\* Please note that the process outlined below may be amended, shortened, or lengthened by Full Moon Hotel ("Employer") depending on the individual circumstances. For example, verbal counselling might be used in cases of minor misconduct, unsatisfactory performance, or unacceptable behaviour as soon as possible after the incident.

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### **DISCIPLINARY PROCEDURE**

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#### **Investigation Procedure**

Where there are allegations that an employee has breached the Employer's Code of Conduct, or other policies and procedures, or has otherwise engaged in misconduct, the manager/supervisor will immediately instigate a proper investigation of the alleged offence/s. The investigation may be carried out internally, or an external party may be engaged to undertake the investigation.

An employee who is the subject of allegations may be suspended on full pay during the investigation process. Note that a casual employee may not be required to work any shifts during the period of the investigation.

An action to suspend an employee does not reflect a belief of guilt – it is implemented to ensure the health and safety of parties to the alleged offence/s and/or to maintain the integrity of the investigation.

The activities of the investigator will be to collect relevant information relating to the allegation/s and interviewing any witnesses. The investigation will also involve meeting with the employee concerned.

#### **Notification**

The employee will be advised in writing of the following:

- That allegation/s have been received and an outline of those allegation/s;
- That an investigation has been initiated to determine whether the allegation/s are substantiated.

- The date, time and venue of a meeting to discuss the allegation/s;
- The name/s of the person/s who will be conducting the meeting.
- That the employee is invited to bring a support person to the meeting.
- That the purpose of the meeting is to discuss the details of the allegation/s and to provide an opportunity for the employee to give an explanation or mount a defence at the meeting; and
- That the employee is suspended on full pay while the investigation is undertaken (where applicable).

The letter must be provided to the employee providing a minimum of 24 hours' notice of the proposed meeting date and time.

#### The Meeting

At the meeting, the investigator must provide the employee with the details of the allegation/s.

The employee must then be asked to provide a response indicating whether:

1. They admit or deny the allegation/s; and
2. Any defence they wish to mount in relation to the allegation/s (including the names of witnesses); and/or
3. Whether there were any mitigating or special circumstances that warrant consideration.

#### The Evidence

The investigator must consider all of the evidence gathered through the investigation process and determine whether, on the balance of probabilities, the allegation/s are substantiated.

Where any allegation/s are substantiated, this may result in the employee being subject to disciplinary action. Where this is the case, the disciplinary action procedure below must be followed.

Where any substantiated conduct is found to constitute conduct that falls within the definition of serious misconduct, action taken shall be in accordance with the '*Serious Misconduct*' section below.

### **Disciplinary Action**

Where an employee has completed a Performance Improvement Plan (PIP) in accordance with the *Performance Management Policy* and, following the review period, their performance still does not meet the required standard, disciplinary action may be initiated.

In addition, an employee may be subject to disciplinary action where an investigation has found them guilty of any of the following:

- Breaching the Employer's Code of Conduct; and/or
- Breaching other policies and procedures of the Employer; and/or
- Engaging in misconduct,

In all cases of potential disciplinary action, the following procedure must occur:

### Written Notification

A written notice must be provided to the employee advising the requirement to attend a meeting. The notice must provide a minimum of 24 hours' notice prior to the scheduled meeting date and time.

The written notice must advise the employee of the following:

- The purpose of the meeting, including an outline of the ongoing poor performance / substantiated conduct to be discussed.
- That the employee is the subject of disciplinary action.
- The time, date, and venue of the meeting.
- Who will be in attendance at the meeting representing management.
- That they can bring a support person to the meeting; and
- Contact information if they have any questions prior to the meeting.

Any disciplinary action taken must be appropriate. Disciplinary action that may apply includes:

- First Written Warning;
- Final Written Warning;
- First and Final Written Warning;
- Termination of Employment (With Notice); or
- Summary Dismissal.

Following meeting with the employee and obtaining their response to 'show cause' why they should not be subject to the proposed disciplinary action, the Employer must decide what action, if any, to take in all the circumstances having regard to the seriousness of the conduct and/or poor performance, fairness and consistency with similar cases and any previous performance counselling and/or written warnings previously issued to the employee.

The following should be used as a guide only as each case is unique and must be decided on its own merits.

### First Written Warning

This outcome is appropriate in instances where the matter may have been addressed previously through Performance Counselling and/or is conduct that is on the lower end of serious.

In this case the employee is issued with a formal *First Warning Letter*. The letter must include:

- An outline of the performance and/or conduct that was discussed.
- The employee's response to those concerns.
- Clear advice that a written warning is being issued, and why it is being issued.
- Any improvement required, along with the period in which the employee should demonstrate the improvement.
- Offers of assistance to improve; and
- Clear advice that future instances will lead to further disciplinary action and ultimately dismissal.

A copy of this letter will be kept in the employee's personnel file.

### Final Written Warning

If performance has either not improved or has declined further by the expiry of the review period set in the first written warning or there is a further instance of conduct for which a previous written warning was issued, a second meeting will be set, and that could result with a final written warning.

The steps outlined for the first written warning will be followed, with the employee again given an opportunity to respond to the issues raised (with a support person present if desired).

As stated above for the first written warning, the letter that constitutes the final written warning will set out the concerns raised at the meeting and the employee's response to those concerns. A copy of this letter will be kept in the employee's personnel file.

The letter should also refer to the first written warning and/or any formal performance counselling undertaken previously.

As this letter constitutes the employee's final written warning it must state that it is a final warning and that failure to improve and/or any future instances of misconduct will lead to termination of employment or contract. The letter should also refer to the written warnings previously given and/or any performance counselling undertaken.

### First and Final Written Warning

Where the poor performance and/or misconduct of the employee is of a relatively serious nature, but not such that it warrants termination of employment, a First and Final Written Warning letter may be issued to the employee.

The steps outlined for the first written warning will be followed, with the employee being given an opportunity to respond to the issues raised (with a support person present if desired).

As stated above for the first written warning, the letter will set out the concerns raised at the meeting and the employee's response to those concerns. In addition, as the letter constitutes the employee's final written warning it must state that it is a final warning and that failure to improve and/or any future instances of misconduct will lead to termination of employment or contract. A copy of this letter will be kept in the employee's personnel file.

The letter should also refer to the seriousness of the issue being addressed and refer to any performance counselling undertaken previously.

### Termination

Should there be no improvement in the employee's performance during the final review period, it may be necessary to terminate employment in accordance with the 'Termination of Employment' section below.

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## **TERMINATION OF EMPLOYMENT**

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Prior to implementing any component of this section of the Policy, managers/supervisors must have provided the employee with at least one written warning in relation to the performance / conduct being addressed.



The only exception to this will be where an employee is found, as a result of a full investigation, to have engaged in serious misconduct. Please refer to the '*Serious Misconduct*' section below.

### Valid reasons for termination

An employee will only be terminated if there is a valid reason for that termination connected with:

- The employee's performance or capacity.
- The employee's conduct; or
- The operational requirements of the workplace.

Matters that do not constitute a valid reason for termination and are deemed unlawful termination are those related to:

- A temporary absence due to illness or injury.
- Union membership or participation in union activities.
- Non-union membership.
- Seeking office, acting, or having acted as an employee representative.
- Participating in proceedings against the Employer involving alleged violation of the law.
- Race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction, or social origin.
- Absence from work during maternity or other parental leave.
- Exercising a Workplace Right, or any other right provided for in the *Fair Work Act 2009*; and
- Failing to negotiate, sign, extend or vary a workplace agreement.

### Serious Misconduct

**Serious misconduct** is defined by the federal *Fair Work Regulations 2009* as any action which involves:

- (a) "wilful, or deliberate, behaviour by an employee that is inconsistent with the continuation of the contract of employment; and
- (b) conduct that causes imminent, and serious, risk to:
  - (i) the health, or safety, of a person; or
  - (ii) the reputation, viability or profitability of the employer's business.

*Conduct that is serious misconduct includes:*

- (a) *The employee, in the course of the employee's employment, engaging in:*
  - (i) theft; or
  - (ii) fraud; or
  - (iii) assault; or
  - (iv) sexual harassment; or
- (b) *the employee being intoxicated at work; or*
- (c) *the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment."*

If an employee is alleged to have been involved in serious misconduct the manager/supervisor must immediately conduct a proper investigation of the alleged offence in accordance with the investigation procedure set out in the '*Investigation Procedure*' section.

Depending on the nature of the alleged misconduct, the employee may be suspended with pay whilst the alleged conduct is being investigated. Note that a casual employee may not be required to work any shifts during the period of the investigation.

Following the investigation and the meeting with the employee to ask them to 'show cause' why their employment should not be terminated, the manager/supervisor will make a determination as to whether termination is appropriate. If termination is not appropriate, the manager/supervisor may wish to proceed with other disciplinary action.

Notice of termination is not payable to an employee terminated for serious misconduct.

### Termination procedures

Where it is decided to terminate the services of an employee, the following procedures must be followed:

- The Executive Management Team Lucinda Black (Director) must be informed of the termination;
- Except in cases of serious misconduct, the manager/supervisor or Lucinda Black should determine whether the employee is to work out the period of notice or be paid in lieu of notice – where there is an entitlement to notice, notice is to be in accordance with the relevant award, agreement or contractual provision or the *Fair Work Act 2009*;
- The manager/supervisor or Lucinda Black will inform the employee of the decision to terminate.
- The employee will be provided with a written statement confirming that their employment has been terminated and of the date the termination takes effect (which cannot be a date before the written statement is given).
- The written statement will also contain a summary of the reason for termination, and a copy of this statement will be kept in the employee's personnel file; and
- The manager/supervisor should collect from the employee any company property which has been in the employee's possession.

## **DRUGS, ALCOHOL AND SMOKING POLICY**

The consumption of drugs or alcohol while on duty poses an unacceptable risk to the health and safety of the affected employee, other team members and persons in the workplace including customers, guests, and suppliers. Breaches of this policy will not be tolerated and failure to comply with this policy may result in an employee facing disciplinary action including termination of employment or contract.

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### **THE CONSUMPTION OF DRUGS**

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The consumption of non-prescription drugs, including illicit drugs or the consumption of prescription drugs in a manner not in accordance with medical advice, immediately before or during working hours or on Full Moon Hotel ("Employer") premises is strictly prohibited.

Such activities may result in the immediate termination of the employee's employment due to serious misconduct. Management may also refer the matter to the police.

An employee is taken to have consumed drugs if the employee's faculties are, by reason of the employee being under the influence of a drug (except a drug administered by, or taken in accordance with the directions of, a person lawfully authorised to administer the drug), so impaired that the employee is unfit to be entrusted with the employee's duty or with any duty that the employee may be called upon to perform.

Where the Employer reasonably suspects the employee of being under the influence of drugs, the Employer may direct them to a medical practitioner for further tests and assessment.

If the test returns a positive result (i.e., one or more drug substances have been detected in their bodily system) then this may be considered a breach of this policy and may result in disciplinary action, up to and including termination of employment.

Where an employee refuses to take a drug test when directed, such refusal will be considered to constitute a failure to follow a lawful and reasonable direction given by the Employer and may lead to disciplinary action including termination of employment.

Full Moon Hotel recognises that each situation is unique and therefore a case by case assessment will be made in each individual circumstance as to the appropriate disciplinary action, if any.

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### **THE SELLING OR SUPPLYING OF DRUGS**

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Employees found to be selling or supplying drugs on Full Moon Hotel premises to any person, or to be in the possession of such substances will be immediately terminated for serious misconduct, and the matter will be referred to the police.

If the Employer has a reasonable suspicion that an employee is engaging in unlawful behaviour by selling or supplying drugs at any time and to any person, including outside of work hours or premises, and, if following an appropriate investigation, the suspicion is proven, on this basis of the evidence the employee may be terminated for serious misconduct and the matter will be referred to the police.

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## **THE CONSUMPTION OF ALCOHOL**

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The consumption of alcohol or the intoxication of an employee immediately before or during working hours is strictly prohibited and constitutes serious misconduct. Such activities may result in the immediate termination of employment or contract.

An employee is taken to be intoxicated if the employee's faculties are, by reason of the employee being under the influence of alcohol, so impaired that the employee is unfit to be entrusted with the employee's duty or with any duty that the employee may be called upon to perform.

Where the Employer reasonably suspects the employee of being intoxicated and under the influence of alcohol, the Employer may direct them to a medical practitioner for further tests and assessment.

If the test returns a positive result (i.e., alcohol has been detected in their bloodstream) then this may be considered a breach of this policy and may result in disciplinary action, up to and including termination of employment.

Where an employee refuses to take a blood alcohol test when directed, such refusal will be considered to constitute a failure to follow a lawful and reasonable direction given by the Employer and may lead to disciplinary action including termination of employment.

Full Moon Hotel recognises that each situation is unique and therefore a case by case assessment will be made in each individual circumstance as to the appropriate disciplinary action, if any.

Staff consuming alcohol on premises in a licensed area when not rostered for duty must refrain from excessive alcohol consumption and maintain the Employer's reputation by behaving responsibly and appropriately. At no time are employees permitted to consume alcohol whilst wearing their uniform, regardless of being off duty.

Any behaviour considered to be irresponsible or inappropriate will result in the employee involved being refused service, possible eviction from the premises and may result in disciplinary action including termination of employment or contract.

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## **THE PURCHASE OF ALCOHOL**

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Employees may only purchase alcohol outside of work hours.

Employees are not entitled to free alcohol, and any alcohol taken without prior payment will be considered theft and may result in termination of employment on the grounds of serious misconduct.

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## **SMOKING**

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Full Moon Hotel operates in a non-smoking environment, in accordance with the relevant legislation, however it recognises some staff are smokers, and has established the below guidelines to accommodate the needs of smokers.

Employees must not smoke while on duty. Employees may only smoke during designated breaks and before or after work. An employee who smokes while on duty, or outside of designated breaks will be subject to disciplinary action.

Smoking is prohibited in the work area especially in view of customers.

Littering of cigarette butts is prohibited and any staff member found to be littering may be subject to disciplinary action.

Employees must wash their hands after smoking and check there is no lingering smell of smoke. Ensure their hygiene standards are maintained to Full Moon Hotel standards and expectations.

In the event of a smoker seeking to quit smoking, Full Moon Hotel will provide the employee with information on quit programs and provide the necessary and reasonable support to the employee.

The Below Listed Policies / Documents Interact with this Policy:

- *Discipline and Termination Policy*
- *Fitness for Duty Policy*

## **FAMILY AND DOMESTIC VIOLENCE LEAVE POLICY**

Full Moon Hotel ('Employer') is committed to supporting all employees who disclose that they are experiencing family and domestic violence.

This Policy will outline the leave and other support options available to employees affected by domestic and family violence.

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### **WHAT IS FAMILY AND DOMESTIC VIOLENCE?**

Family and Domestic Violence (FDV) occurs when a close relative of an employee, a member of their immediate household or a current or former intimate partner, uses violence, abuse or coercive control to maintain power and control over the employee. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, coercive or aimed at controlling or dominating the other person through fear for their or someone else's safety or wellbeing.

A close relative as defined in the *Fair Work Act 2009* ('the Act') includes an employee's current or former spouse, de facto partner, child, parent, grandparent, grandchild, sibling or a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Family and domestic violence is unacceptable in any setting, including the workplace. Any employee who perpetrates violence from the workplace, including by telephone, email, internet or social media, may be subject to disciplinary action.

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### **PAID FAMILY AND DOMESTIC VIOLENCE LEAVE**

Paid Family and Domestic Violence Leave ('FDVL') is available to all employees in line with the National Employment Standards ('NES') of the Act.

Full-time, part-time and casual employees are able to access up to 10 days of paid FDVL in a 12-month period. The leave is not pro-rated for part-time or casual employees.

Employees can access FDVL if they, or a member of their immediate family whom they are supporting, is experiencing FDV and they need to do something to deal with the impact of FDV and it is impracticable for the employee to do that thing outside the employee's ordinary hours of work.

This may include:

- Making arrangements for their safety or the safety of a close relative
- Attending court hearings
- Accessing police services
- Attending counselling
- Attending appointments with medical, financial or legal professionals
- Recovering from an injury caused by the violence
- Organising alternate childcare or education arrangements for a child.

FDVL may be taken in full or part-day or on an hourly basis, based on the number of hours the employee would have worked if they weren't on leave.



Full-time and part-time employees can take the FDVL at their full pay rate for the hours they would have worked if they weren't on leave (including loadings, overtime or penalty rates and monetary allowances).

Casual employees will be paid their full rate of pay for the hours they were rostered to work in the period they took leave (including the 25% casual loading).

The full 10-day leave entitlement will be available upfront, meaning it does not have to be accumulated over time. The leave renews every year on each employee's work anniversary and does not accumulate from year to year if not used. There is no qualifying period of employment that must be worked before an employee is eligible for FDVL.

This paid leave entitlement is available only to employees who are experiencing FDV. Perpetrators of FDV are **not** eligible to receive this paid leave entitlement.

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## **ACCESSING FAMILY AND DOMESTIC VIOLENCE LEAVE**

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Disclosing that you are experiencing FDV is not easy. Employees have the right to choose whether, when and to whom they wish to disclose that information. Disclosures will be treated confidentiality, except as required by law.

Employees who experience FDV are encouraged to speak to their direct manager/supervisor, or another manager/supervisor with whom they are more comfortable disclosing to, about the FDV leave and support options available to them.

Employees are very welcome to have a support person present with them, be it a friend, family member, work colleague or representative from a family violence support service, in any workplace meetings about FDV.

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## **NOTICE AND EVIDENCE REQUIREMENTS**

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Employees should give the Employer as much notice as practicable of the need to take the leave, and their expected length of leave. If possible, the notification that leave is required should occur before leave is taken, but where this is not possible, the employee should notify the Employer as soon as possible.

The Employer may request that the employee provide evidence that would satisfy a reasonable person of their need to take FDVL and that it is not practical to do so outside of their hours of work. This may include documents issued by police or the court or family violence support service documents or a statutory declaration.

Any documentation provided by an employee will be sighted by the Employer and returned to the employee. It will not be stored on record by the Employer and will not be used for any other purpose than to access FDVL. The only exception to this is where the workplace is named in a court-ordered protection order, as the Employer may need to seek external advice to ensure their compliance with the order and for a safety plan to be put in place.

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## CONFIDENTIALITY

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The Employer will take all reasonably practicable steps to keep any information or knowledge about an employee's experiences with FDV confidential. The Employer is mindful that any information about FDVL is sensitive and will therefore work with the employee to agree on how information will be handled. This will include agreed strategies in place for how the employee will notify the Employer of their need to access the leave and what messaging, if any, is provided to the rest of the work group about the person's absence (i.e., that they are accessing sick leave).

Leave applications will be processed in such a way to maximise confidentiality.

Privacy will be maintained for payroll purposes. FDVL will not appear on any employee's pay slip, where the leave has been accessed, nor will accruals be displayed.

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## OTHER SUPPORT OPTIONS

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In addition to FDVL, there are a number of other support options available to employees who experience FDV.

### Flexible Working Arrangements

In accordance with the Flexible Work Arrangements Policy where employees have completed at least 12 months service with the Employer, they are able to request a flexible working arrangement. Examples of flexible work arrangements may include changes to their hours of work (i.e., part-time arrangement, changes to start and finish times), locations of work (i.e., temporary move to another work location/venue) or changes to their usual duties (i.e., move to a non-public facing role).

Flexible work arrangements will be reviewed on a regular basis, depending on the employee's circumstances and levels of support required.

### Interaction with other leave entitlements

Employees who have exhausted their full annual allocation of FDVL are able to then access their personal leave (sick or carer's leave), annual leave, long service leave or other accrued leave type, in line with the relevant policy.

Employees are able to access paid FDVL during a period of paid personal/carers' leave or annual leave. If this happens, the employee is no longer on the other form of leave and is taking paid FDVL instead.

### Confidential and free support services

Employees are also encouraged to contact a dedicated support service, including for referrals to emergent support or safe accommodation:

- 1800 Respect – 1800 737 732
  - National Relay Service – 1800 555 677
  - Interpreter – 13 14 50
- DVConnect Womensline – 1800 811 811
- DVConnect Mensline – 1800 600 636
- Kids Helpline – 1800 551 800
- Of course, in an emergency, always call 000.

## **FIRST AID POLICY**

First aid is available to all employees and customers in the event of illness or injury on Full Moon Hotel premises. A qualified First Aid Officer will be on shift at all times.

In accordance with clause 26.12 of the *Hospitality Industry (General) Award 2010*, employees covered by this Award who are appointed First Aid Officers will be paid an allowance as provided in the Award.

All employees should be aware of who the First Aid Officer is on shift and be familiar with the location of the First Aid Kit.

The First Aid Officer is responsible for the First Aid Kit and will hold a Senior First Aid qualification.

The First Aid Officer will:

- Recommend actions regarding use, contents, modifications and maintenance of the First Aid Kit;
- Administer first aid to employees and customers when necessary;
- Ensure the First Aid Kit is accessible whenever employees are at work;
- Check and replenish contents of the First Aid Kit; and
- Ensure equipment and contents of the First Aid Kit are within the expiry dates.

The First Aid Officer is:      Manager on Duty

The First Aid Kit is located:      Ground floor, outside managers office.

## **FITNESS FOR DUTY POLICY**

Full Moon Hotel (“Employer”) is committed to ensuring the workplace health and safety of all persons in the workplace including managers, staff, contractors, and guests. For Employers this is ensuring they take the necessary steps to address workplace health and safety concerns as they arise and on an ongoing and regular basis. For employees, this obligation extends to complying with an Employer’s workplace health and safety directions.

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### **FITNESS FOR DUTY**

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Full Moon Hotel expects that employees will carry out the full range of assigned tasks and responsibilities associated with their role. Employees are required to present for work in a fit state and to not work while in a state that may cause undue health and safety risks to themselves or others in the workplace. In the event an employee attends for work in an unfit\* state, or becomes unfit\* whilst at work, the following procedure is to apply:

Where an employee believes a colleague is unfit for duty, they should report this, and the reason for believing the employee is unfit, to Lucinda Black (Director) or Approved Manager on duty. This is to be done without delay.

- Should the employee be determined to be unfit\*\* for work after a thorough assessment of the circumstances, Lucinda Black (Director) or Approved Manager on duty, may make the decision to request the employee to not continue work.
- The decision in determining fitness for work will be final.
- Where an employee is determined to be unfit for work, the employee must comply with any direction to leave the workplace. The employee will not be allowed to drive if, in the opinion of Lucinda Black (Director) or Approved Manager on duty, driving represents a danger to that employee or to others. In such an instance, Full Moon Hotel will pay the taxi fare for the employee to go home, or to a doctor’s surgery (and then to their home).
- The employee may be required to provide a satisfactory evidence of fitness for work before they are able to return to work.
- Where an employee is requested to leave the workplace, the employee will be deemed sick with the time deducted from the employee’s personal leave accruals. In the event the employee does not have sick leave accruals, the time off shall be noted as an authorised and unpaid absence.

*\*A person is deemed unfit if the Employer reasonably believes they are unable to carry out their work in a safe manner, or in a manner that doesn’t impact or threaten to impact on their own or another’s health and safety.*

*\*\*Where it is suspected that the employee is unfit for duty due to drug or alcohol consumption, refer to the appropriate procedure under the Drugs, Alcohol and Smoking Policy.*

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## MANAGER, EMPLOYEE AND CONTRACTOR EXPECTATIONS

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Full Moon Hotel expects that all employees are accountable to:

- Maintain a level of personal fitness required to meet the requirements of their role.
- Attend work in a state that does not limit their ability to meet these requirements.
- Advise their supervisor or Manager before commencing work of any factor that may influence their fitness for duty.

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## PRE-EXISTING INJURIES AND ILLNESSES

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Prior to accepting a position with Full Moon Hotel, any potential employee must disclose any pre-existing injury or illness that may impact the performance of, or be aggravated by, their proposed role.

This includes any known allergies or other medical conditions that may impact on an employee's ability to perform their proposed role.

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## NON-WORK-RELATED INJURIES AND ILLNESSES

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Full Moon Hotel expects that an employee will report any non-work-related injury or illness that may affect their ability to perform, or be aggravated by, their assigned role. Full Moon Hotel reserves the right to request an employee obtain a suitable clearance for duties after any such injury or illness.

Full Moon Hotel expects that employees present for work suitably rested and able to maintain sufficient concentration for their entire shift without the effects of fatigue. In instances where a manager observes an employee is unable to safely complete their assigned role due to fatigue that employee may be asked to leave Full Moon Hotel premises until such time as they are sufficiently rested enough to perform their role safely

The Below Listed Policies / Documents Interact with this Policy:

- *Drugs, Alcohol and Smoking Policy*

## **FLEXIBLE WORK ARRANGEMENTS POLICY**

Full Moon Hotel (“Employer”) recognises the need to explore mutually agreeable options that can assist both employees and Employers to balance the continually changing demands of work, life and family. Flexible working arrangements may not always be possible due to operational or other limitation. Full Moon Hotel is committed to ensuring that, where possible, employees have access to a healthy work-life balance.

The successful implementation of flexible work arrangements depends on the awareness, co-operation and commitment of employees and managers to the administration of the work arrangements, as well as the creation of a culture that supports flexibility.

This Policy aims to:

- Assist both employees and managers think strategically about flexible options within the context of the operational requirements of the Employer.
- Provide guidance to employees and managers in the administration of flexible work arrangements.
- Encourage a culture within the workplace that supports flexibility whilst achieving a high level of service delivery.

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### **ELIGIBILITY FOR FLEXIBLE WORK ARRANGEMENTS**

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The National Employment Standards (‘NES’) of the *Fair Work Act 2009* provide that an eligible employee may request a flexible working arrangement.

The NES provides that to be eligible to request a flexible working arrangement:

- A permanent employee must have completed at least 12 months continuous service immediately before making the request.
- A casual employee must have been engaged on a regular and systematic basis for at least 12 months, and have a reasonable expectation of continuing employment on a regular and systematic basis.

Additionally, the employee must be making the request because of circumstances prescribed in the NES, which include that they:

- are a parent, or have responsibility for the care, of a child who is of school age or younger;
- are a carer;
- have a disability;
- are 55 or older;
- are experiencing family and domestic violence;
- provide care or support to a member of their household or immediate family, who requires care or support because that person is experiencing family and domestic violence;
- are pregnant.

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## **MAKING A REQUEST**

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An employee's request must be:

- a) in writing;
- b) explain what changes are being asked for; and
- c) explain the reasons for the requested change.

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## **CONSIDERING THE REQUEST**

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The employer will genuinely consider the request and will respond to the request within 21 days.

If the original request of the Employee cannot be accommodated, then the Employer will have a discussion with the employee and make a genuine attempt to reach a different agreement. If a different agreement is reached, then the Employer will set out the agreed change to the original request and implement it.

If a different agreement cannot be reached after genuine attempts were made by both the Employer and employee and the Employer has had regard to the consequence of the request being refused, then the Employer may refuse the request on reasonable business grounds.

Reasonable business grounds include:

- that the new working arrangements requested would be too costly for the employer;
- that there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested;
- that it would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the new working arrangements requested;
- that the new working arrangements requested would be likely to result in a significant loss in efficiency or productivity;
- that the new working arrangements requested would be likely to have a significant negative impact on customer service.

If the Employer refuses the request, a written response must be provided that specifies the reasons for the decision. The written response will include the business ground on which the request was refused and how those grounds apply to the employee's request.

Employees have a right to dispute the Employer's refusal decision by:

- lodging a complaint; or
- lodging direct with the Fair Work Commission

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## **IMPLEMENTING FLEXIBLE WORK ARRANGEMENTS**

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Any flexible work arrangement agreed to by both the Employer and employee will be documented in writing and shall be placed on the employee's personnel file.



## **GENERAL CONDUCT POLICY**

The following requirements apply to employees of The Full Moon Hotel ("Employer"):

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### **BAGGAGE INSPECTION**

The Full Moon Hotel reserves the right to inspect any bags brought into or taken out of the premises by employees. Please make them available to your manager upon request. No bags or parcels are to be kept in the work area while on duty.

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### **BAR / RESTAURANT**

Employees must not stand behind the bar for idle, non-work related discussions as this is a service area only. If you require any items or equipment from the bar or restaurant area, please ask permission from the Bar or Restaurant Manager.

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### **CONSUMPTION OF FOOD AND DRINK**

The consumption of food or drink is not permitted while on duty, excluding water / soft drinks. Employees may consume meals and non-alcoholic drinks while on approved breaks and only out of the view of customers. Employees are encouraged to use the dedicated staff room for meal breaks.

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### **CONTINUITY OF WORK**

Employees must remain on duty during the entire course of their shift. Employees are not permitted to attend to personal affairs whilst on duty either on or off the premises without approval of the Employer.

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### **CUSTOMER SERVICE**

Our customers/patrons/guests look to you to help them feel comfortable, relaxed and important. They expect, and deserve, to be treated professionally and with courtesy. In a serviced based industry such as hospitality, customer service plays a significant role in the reputation of the business and as such, exceptional customer service must be displayed at all times.

Remember and exercise the following regarding customer service:

- Always greet customers/patrons/guests sincerely and deal with all of them equally;
- Be polite and never argue;
- Always look directly at the customer/patron/guest when speaking to them;
- The customer/patron/guest does not like to feel overcharged or under-served therefore the better your service, the greater the impression of you and the venue;

- Never comment about a customer/patron/guest or have a discussion about a customer/patron/guest with other customers/patrons/guests or staff;
- Sunglasses should not be worn whilst conversing with customers/patrons/guests; and
- All customer/patron/guest complaints must be brought to the attention of your manager/supervisor.

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## **DINING AT THE VENUE**

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Employees are welcome to visit the venue with family and friends for dining purposes. You **MUST** seek managers approval prior to making a booking or arriving to the venue. Employees must remain professional at all times while at the venue for personal reasons and cannot be in staff only areas during your visit or distracting employees who are working.

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## **DRUNK AND DISORDERLY BEHAVIOUR**

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The Full Moon Hotel, customers/patrons/guests want to relax when they come to our venue. There are times though that a minority, especially if under the influence of alcohol, can act abusively or even violently and spoil the atmosphere for others.

In this case, you should first attempt to politely ask the offender or offenders to leave. If this doesn't work, then seek the assistance of security or your manager/supervisor.

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## **ACCOUNT FOR MONIES RECEIVED**

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Employees who, as part of their duties, have responsibility for handling money belonging to their Employer or to the Employer's clients and customers/patrons/guests, are required to take reasonable care in carrying out their duties and account for all money received.

In addition, where an employee uses their Employer's resources and equipment to earn profits, they have a legal obligation to hand over to the Employer those profits, except where the Employer gives express or implied permission for an employee to retain profits received. The most common example is where the Employer has allowed an employee to keep any tips received during the course of their employment.

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## **CONFIDENTIAL INFORMATION**

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Employees are bound by a duty not to disclose confidential information about the Employer's business. This is particularly important where the information is unique to the Employer and the use by the employee or the Employer's competitors would be harmful to the Employer's interests.

For example, a breach of this duty would occur where an employee discloses to either a non-staff member and / or a competitor of the Employer, details of the Employer's daily takings, profit and loss information or important customer lists which the Employer has expended time and resources developing.

Employee information shall not be disclosed to any individual or entity except those explicitly authorized to receive such details in accordance with company policy. For example, a customer asking when another team member is working. Employees cannot share another employee's roster.

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## **OWNERSHIP OF INVENTIONS AND RESEARCH IN THE COURSE OF EMPLOYMENT**

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Employees are required to hand over to the Employer any inventions made in the course of employment whether or not that employee is employed for the purpose of that invention, particularly where the employee has used the Employer's resources and equipment and the invention is related to the employee's general field of employment.

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## **GAMBLING WHILE ON DUTY**

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Gambling, including the use of gaming machines (e.g. pokies and Keno) whilst on duty is strictly prohibited. If the employee works in gaming, it is illegal to gamble at the Full Moon Hotel premises either on or off duty. Staff are not permitted to use the gaming room or TAB facilities while visiting the venue. Any gaming employee found in breach of this policy may be subject to disciplinary action including termination of employment or contract.

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## **LEAVING AFTER SHIFT**

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In the interests of health, safety and orderly conduct, management reserves the right to insist that employees leave the workplace immediately after finishing their shift.

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## **LOST AND FOUND**

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Employees must hand in any items found on workplace premises. Anything of value whatsoever not belonging to the employee or the Full Moon Hotel (e.g. money, jewellery or any other personal affects) are to be handed to the approved manager on duty. No lost items are to be removed from the premises. Any employee found in breach of this policy may be subject to disciplinary action including termination of employment or contract.

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## **MEDICAL/EMERGENCY PROCEDURES**

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In the interests of ensuring the health and safety of employees and customers, patrons and guests, all employees must ensure that they are familiar with the procedures for evacuating the workplace and their responsibilities in emergency situations. It is important for all employees to be aware of the Employer's *Workplace Health and Safety Policy* and safety procedures such as where the hose reels, fire extinguishers and fire blankets are located. It is also necessary for all employees to attend fire and emergency evacuation drills.

If an employee is involved in an incident either at work or when travelling to or from work, they must report it to their manager/supervisor as soon as possible, otherwise it may jeopardise any workers' compensation claim. The reporting of incidents in the workplace is also an obligation under work health and safety legislation.

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## **NO FREE ALCOHOL**

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Employees are not entitled to free alcohol. All alcohol must be paid for. Employees may only purchase sealed alcoholic drinks to consume away from the Employer's premises.

Any alcohol taken without prior payment will be considered theft and may result in termination on the basis of serious misconduct.

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### **NO FREE FOOD AND DRINK**

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Employees are not entitled to free food or drink. All food and drink must be paid for.

Staff are entitled to complimentary soft drinks, water and coffee prior to shift or during designated break periods.

Any food or drink taken or consumed without prior payment will be considered theft and may result in termination for serious misconduct.

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### **PARKING**

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All employee vehicles are to be parked in the parking area designated for employees, this includes Street parking on Eagle Terrace, Loudon Street (on the pub side) and Curlew Street (please be aware of yellow lines). Employees requiring safe assistance to their vehicle should request help from their manager. Employees must drive away from the premises in a quiet and orderly manner.

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### **CUSTOMER/PATRON/GUEST PAYMENT FOR MEALS, DRINKS AND ALCOHOL**

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All customers/patrons/guests are required to pay full price for meals, drinks and alcohol, except where a valid authorised discount applies. Giving away free items or selling such items at less than the specified price without express approval from the Employer will be considered theft and may result in termination on the basis of serious misconduct.

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### **PERSONNEL RECORDS**

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It is important that up-to-date records are kept of employee personal details. Employees must ensure they advise the manager and update their records in FoundU, of any changes to their address, telephone numbers or emergency contacts as well as any additional experience or qualifications gained at any time.

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### **PUNCTUALITY OR ABSENCE FROM WORK**

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Work schedules and workloads require that only a certain number of people are employed for each area of the Full Moon Hotel. When an employee is late or absent, it increases the load of others causing inefficiencies in the system of work.

Management realises that there may be times when an employee may be unavoidably late or absent from work. Where an employee knows in advance that they will be late or absent, the employee must inform their immediate manager/supervisor as early as possible. The manager/supervisor can then make the necessary arrangements to cover the shift/workload.

Where an employee is going to be late or absent for work, they may be called in for a meeting with their manager/supervisor. If an acceptable reason is not given, the manager/supervisor may initiate disciplinary action including termination of employment or contract.

All absences are without pay, unless it is a bona fide authorised absence for personal / carer's leave or other authorised paid leave (permanent employees only). All instances of absence from duty will be recorded on the employee's personnel record.

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## **GENERAL STAFF ETIQUETTE**

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Both on and off duty, employee habits, language and behaviour reflect on the presentation and image of The Full Moon Hotel. Consideration of others is necessary at all times in both customer and staff areas. For example, comments posted on online networking/social media sites are considered by management to be behaviour which constitutes off duty conduct.

Noise level in and around customer/patron/guest areas must be kept to an absolute minimum. Management requests that radios and CD/DVD players and other devices, not be played during working hours.

When dealing with customers/patrons/guests, employees must refrain from making statements or being involved in discussions which are of a political, religious, gender, sexuality or racial nature or that may otherwise potentially breach Anti-Discrimination legislation. Expressing personal views in relation to these areas will therefore not be tolerated by management.

Where appropriate, disciplinary action may be taken for misconduct while an employee is either on or off duty, up to and including termination of employment.

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## **STAFF FACILITIES**

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Employees are requested to remember that staff facilities are limited and must be treated with due care and respect.

Accordingly, all staff facilities must be used appropriately and left in a clean and tidy condition after use.

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## **TELEPHONE CALLS**

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Except in cases of bona fide emergencies or pressing domestic necessity, employees are not permitted to make or receive personal phone calls while on duty. Where such exceptions do not apply, phone calls must only be made or received during designated breaks and before or after work.

Phones and other equipment owned by The Full Moon Hotel are for business use only and unauthorised personal use will not be tolerated.

Where an employee is found to have misused the Employer's equipment and / or inappropriately used work time to make or receive personal calls, they may be subject to disciplinary action up to and including termination of employment.

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## **TELEPHONE MANNER**

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Every point of contact our customers/patrons/guests have with The Full Moon Hotel affects how our service is perceived. This includes how telephone calls are answered.

The correct way to answer the telephone is to say:

- Good morning/afternoon/evening
- (Name of restaurant, hotel or bottleshop)
- This is (your name)
- How may I help you?

It is important at all times to be polite, courteous and helpful. Employees must ensure they learn how to use the telephone system correctly so they do not run the risk of cutting callers off.

If it is not possible to correctly answer the caller's queries, always refer them to the relevant manager/supervisor or offer to ring them back with the information. In this situation employees must be sure to ask for and confirm the caller's name and telephone number.

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## **CLOCKING IN / OUT FOR YOUR SHIFT**

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One of the means by which wages can be accurately calculated for work performed is through staff time sheets. Employees must be using the FOUND U KIOSK to record start and finish times plus all breaks.

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## **TRANSFER OF GOODS**

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When obtaining goods from one area to be used in another area of the establishment, employees must ensure that the managers of each area are duly notified. When written records are used for such transfers, these records must be completed.

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## **RELATIONSHIPS IN THE WORKPLACE**

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The Full Moon Hotel cannot prohibit employees from entering into a consensual relationship. The employer requires that employees act professionally at all times. Should issues arise that affect the workplace, management needs to be notified.

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## **WORKING HOURS/ROSTERS**

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Rosters apply from Monday to Sunday. A great deal of time and effort goes into the design of rosters and therefore they must be strictly adhered to. Any proposed changes to the rostered hours must be brought to the attention of management for approval.

Management does not object to the swapping of shifts as long as that shift is covered as per the scheduled time. Permission from management must be granted prior to any shift swap.

No coercion or duress is to be used in approaching other employees to request a shift swap as this may constitute bullying/harassment. Any employee who is found to be applying duress on another employee to swap shifts may be subject to disciplinary action up to and including termination of employment.

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## **WORK IN OTHER AREAS**

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Employees may be required to assist in other areas of the establishment depending on their training and skills.

This provides an excellent opportunity for employees to gain additional skills.

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## **WORK RELATED EMPLOYEE AREAS**

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It is important to note that cash registers in areas such as the bar and restaurant are the sole responsibility of the staff assigned to that area. Under no circumstances is any staff member to use or open any other cash register without express permission from the manager of that area.

All equipment (including furniture) allocated to a particular area remains the sole responsibility of the employees in that area. Equipment must not be removed without seeking permission from employees in the relevant area. Such equipment must be returned to the area as soon as possible.

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## **SUMMARY**

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Employees are expected to comply with this Policy. In the event of non-compliance, an employee may be subject to disciplinary action, up to and including termination of employment.

The Below Listed Policies / Documents Interact with this Policy:

- *Anti-Discrimination and Equal Opportunity Policy*
- *Code of Conduct*
- *Out of Hours Conduct Policy*
- *Social Media Policy*



## **GRIEVANCE AND DISPUTE SETTLEMENT POLICY**

It is the intention of Full Moon Hotel (“Employer”) that all grievances and/or disputes raised by employees are dealt with promptly and efficiently. All employees have a right to have a grievance or dispute in the workplace heard without fear of unfair treatment or victimisation.

Employees with a grievance or dispute should immediately raise the matter with their relevant manager.

This policy applies to grievances and disputes otherwise not provided for in another policy of the Full Moon Hotel.

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### **DEFINITIONS**

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**Grievance:** is a real or perceived problem, or any significant question, difficulty, claim, complaint, or concern relating to work or the workplace. A grievance may be raised by one or more employees in relation to work or the workplace and may pertain to either:

- The Employer (including decisions made by the Employer);
- One or more other employees; or
- A customer or group of customers / guests / patrons.

(Note: the above list is not exhaustive, and grievances may arise in other situations)

**Dispute:** is a disagreement or difference with the interpretation, application or operation of the applicable Award or Agreement at the workplace, or the National Employment Standards. A dispute may arise between an employee or group of employees and the Employer.

**Complainant:** the person/s who lodges a grievance or dispute under this policy.

**Respondent:** the person/s against whom a grievance or dispute is lodged under this policy.

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### **REPRESENTATION**

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Where reasonable, the Complainant, Respondent and/or the Employer may appoint another person, organisation, or association to accompany and/or represent them in issues of grievance or dispute settlement.

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### **DISPUTE RESOLUTION PROCESS IN RELATION TO THE AWARD, AGREEMENT, OR NATIONAL EMPLOYMENT STANDARDS**

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The following steps must be complied with for a dispute arising in the workplace concerning matters contained in the applicable Award or Enterprise Agreement (or other formally approved workplace Agreement) at the workplace, or in relation to the National Employment Standards:

Step 1: Parties must first attempt to resolve a dispute arising in the workplace concerning matters contained in an Award, Agreement, or in relation to the National Employment Standards at the workplace by discussion between the employee/s concerned and the Full Moon Hotel.

An employee with a dispute may be required to complete the 'Employee Grievance Form' as part of this Step so all parties are aware of the nature of the dispute.

Step 2: If step 1 does not resolve the dispute, the parties to the dispute should approach the Lucinda Black (Director) or approved manager to hold discussions about the dispute.

Step 3: Where the dispute cannot be resolved at the workplace level (in accordance with step 1 and 2), a party to the dispute may refer the dispute to the Fair Work Commission ("FWC") for assistance and resolution. The parties to the dispute have the ability to agree on the process to be utilised by the FWC, including mediation, conciliation and consent arbitration. A decision by the FWC shall be binding on the parties subject to legal rights of appeal.

Work must continue as per the relevant Award/Enterprise Agreement/Act while the dispute resolution process is being conducted, except where the employee has a reasonable concern regarding an imminent risk to their own or others' health or safety in the workplace.

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## **GRIEVANCE RESOLUTION PROCESS (OTHER THAN DISPUTES IN RELATION TO THE AWARD, AGREEMENT, OR NATIONAL EMPLOYMENT STANDARDS)**

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This procedure only applies to grievances in relation to matters other than those relating to the operation of an Award, Enterprise Agreement, or the National Employment Standards.

### **Informal Grievances**

Where a grievance is raised under this policy, an informal grievance handling process may be regarded as the best method of resolution. A grievance will be dealt with informally where the grievance is not considered to be of a serious nature and is not in breach of the Employer's policies or procedures. Additionally, a grievance will be regarded as informal where the employee makes a request that it is treated informally, and the Employer agrees that the matter is to be treated informally.

An informal grievance may involve a direct discussion between the parties to the issue (the Complainant and Respondent). In some instances, where required, this may be facilitated or mediated by Lucinda Black (Director) or approved manager. Done at an early stage of a grievance, this method can assist in adequately resolving minor grievances to the satisfaction of all participants.

### **Formal Grievances**

Where a formal grievance is raised in relation to an allegation about conduct which is of a serious nature and/or is contrary to the Employer's policies or procedures (and which do not provide for a specific grievance procedure) the following steps must be followed:

Step 1: Formal grievances should be immediately advised to the Complainant's manager/supervisor. If it is not appropriate for the Complainant to raise the grievance

with their manager/supervisor, the grievance can be directly referred to Lucinda Black (Director) or approved manager.

The Complainant will be required to complete the 'Employee Grievance Form' as part of this step, so all parties are aware of the nature of the grievance. The form should be completed with as much detail as possible in order to assist Employer with investigating and dealing with the grievance.

Step 2: The approved manager/supervisor or Lucinda Black that will receive the complaint ('the Investigator') shall, upon receipt of the details of the complaint, commence an investigation into the complaint. This may involve interviewing witnesses, the Complainant, the Respondent, and seeking other information to allow them to determine whether the alleged conduct occurred. At this step the Investigator may also seek for an external party, such as QHA, to undertake the investigation.

All parties to the grievance, including witnesses, are required to co-operate during the process. Additionally, parties will be required to keep the details of the grievance confidential all times – parties may be required to complete a 'Confidentiality Agreement' at the commencement of the investigation, or at any time during the course of the investigation.

Step 3: The Investigator shall make a determination regarding the grievance on the balance of probabilities having regard to the information gathered and the likelihood of any alleged conduct occurring. The finding shall be reflected as either the complaint is substantiated, or the complaint is not substantiated.

Step 4: The Investigator shall advise the Complainant and the Respondent, separately, of their findings and shall advise each party of the implications of the findings.

Where the Investigator is a person external to the workplace, the investigation report will be provided to Lucinda Black or approved manager who will then determine the appropriate outcome of the report findings.

A formal grievance handling process can result in a range of possible actions which may or may not include disciplinary action (up to and including termination of employment). The details of any disciplinary action taken against a party to the grievance will be kept confidential by the Employer and will not be disclosed to any other party. It should be noted that if a formal grievance is found to be without basis, or made in a frivolous or vexatious manner, the Complainant may be subject to disciplinary action, which may include termination of employment or contract.

The Below Listed Policies / Documents Interact with this Policy:

- *Discipline and Termination Policy*

## **INDIVIDUAL FLEXIBILITY POLICY**

Full Moon Hotel (“Employer”) is committed to nurturing a workplace culture that supports flexibility and work-life balance, so that this workplace represents a diverse, skilled and motivated workplace capable of delivering quality and efficient services.

*Work-life balance* at Full Moon Hotel refers to a person’s ability to effectively manage their paid work commitments with their career goals, personal, community and cultural responsibilities, interests and obligations. Practical options are available to assist employees to balance their work, family and other commitments in a successful and sustainable way.

Individual Flexibility Arrangements (“IFAs”) present an opportunity for individual employees covered by a modern award to seek flexible arrangements by varying the application of certain terms of the modern award which covers their employment. IFAs are allowable in accordance with the relevant provisions of the modern award.

The Employer and an individual employee may only enter into an IFA once the employee has commenced employment with the Employer. Any such agreement must be genuinely made without coercion or duress.

Employees wishing to enter into an IFA are encouraged to apply in accordance with the *Application for Individual Flexibility Arrangements* form.

Equally, the Employer may seek to enter into an IFA with an employee. Where this is the case, the Employer will provide the employee with a formal written proposal outlining the proposed IFA terms.

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### **TERMS OF AN IFA**

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Employees subject to the *Hospitality Industry (General) Award 2020* may agree with their Employer to vary the application of terms within the award concerning:

- Arrangements for when work is performed;
- Overtime rates;
- Penalty rates;
- Allowances; and
- Leave loading.

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### **CONSIDERATIONS**

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The Employer will consider the following factors when determining whether an employee’s request for an IFA can be accommodated:

- The nature of the work performed in the employee’s current role;
- Staffing requirements of the relevant department/section;
- The amount of operational hardship imposed;
- The operational requirements of the business;
- How the employee will be better off overall under the IFA than they would have been if no IFA had been agreed to; and
- Relevant legislative requirements.

Please note that the above list is not exhaustive and other factors may be taken into account when considering an application.

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## **APPLYING FOR AN IFA**

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An employee may apply for an IFA by completing an *Application for Individual Flexibility Arrangements* form. Applications are to be submitted to the employee's direct manager/supervisor.

All applications will be considered on the basis of the factors listed under the heading 'Considerations'.

Where an application is accepted, the terms of the IFA will be placed into written form and will be read in conjunction with existing employment contracts, with the terms of the IFA to apply to the extent of any inconsistency.

Where an application is unsuccessful, specific details as to why the application was unsuccessful will be provided. The employee's manager/supervisor may also discuss other arrangements as an alternative to the sought IFA. This will be subject to the operational and business requirements of the Employer.

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## **REVIEW PERIOD\***

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All employees requesting IFAs are subject to a three (3) month review period.

The employee's manager/supervisor will meet with the employee on a fortnightly or monthly basis during the review period to discuss how the IFA is working and any coordination or performance issues that may arise from the new work arrangements.

Alterations to the IFA may be adopted to address any new issues or concerns from either party. Any alterations must be agreed to in writing and signed by the employee and manager/supervisor.

Subject to the right of termination by the employee and Employer, at the end of the three (3) month review period, the arrangements reflected in the IFA will continue provided it does not impose any undue hardship on the business.

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## **TERMINATION OF THE IFA**

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Full Moon Hotel or the employee may terminate the Agreement reflecting the IFA by giving 13 weeks' written notice to the other party, or at any time by written agreement between the employee and Employer.

Upon termination of the agreement reflecting the IFA (which shall be at the end of the notice period or at any time by written agreement), the employment conditions in place prior to the introduction of the agreement shall resume.

## **INSPECTION OF PERSONAL BELONGINGS POLICY**

Full Moon Hotel (“Employer”) reserves the right to request an employee to present their personal belongings to management for inspection. The aim of this policy is to deter and control company losses as a result of theft.

The taking of company property without permission of the Full Moon Hotel is viewed as theft. For the purpose of this policy, ‘company property’ includes property owned by the Employer as well as property that a customer/patron/guest may have left at the property such as money, valuables, alcohol, and food upon their check-out from / leaving the venue.

The theft of company property is prohibited. The taking of customer property when not authorised by the Manager to do so is also prohibited and constitutes theft.

Management reserves the right to inspect any personal belongings brought into or taken out of the premises by employees. Personal belongings may include:

- Wallets
- Handbags
- Backpacks
- Suitcases
- And other such containers and storage equipment.

Where requested to present personal belongings for inspection, employees are required to comply with such a direction. If an employee so chooses they may request an independent witness and this will be facilitated by Full Moon Hotel. The employee may be required to wait in a room with a Full Moon Hotel representative until the independent witness arrives.

Management may also request to inspect lockers, desks and offices.

In the instance an employee is found to have company or guest property in their personal belongings (including property found inappropriately located in an employee’s locker, desk or office) without any authority to have that property, or without other reasonable or satisfactory explanation for having the property in their personal belongings, management may take disciplinary action against the employee, up to and including termination of employment.

Theft constitutes serious misconduct, as defined in the *Fair Work Regulations 2009*, and warrants instant dismissal where it is found, as a result of a thorough investigation, that an employee engaged in wilful and deliberate theft:

If an employee is alleged to have been involved in theft, the supervisor/manager must immediately conduct a proper investigation of the alleged offence in accordance with the investigation procedure set out in the ‘*Disciplinary Procedures for Alleged Misconduct*’ section of the *Discipline and Termination Policy*.

The employee may be stood down with pay whilst the incident is being investigated.

Notice of termination is not payable to an employee terminated for serious misconduct.

### Termination procedures

Where it is decided, following a thorough investigation of the matter, to terminate the employment of the employee, the following procedures must be followed:

- The Human Resources Department must be informed of the termination;
- The senior manager will inform the employee of the decision to terminate;
- The employee will be provided with a written statement confirming that their employment has been terminated and of the date the termination takes effect (which cannot be a date before the written statement is given).
- The written statement will also contain a summary of the reason for termination, and a copy of this statement will be kept in the employee's personal file, and
- The manager/supervisor should collect from the employee any company property which has been in the employee's possession.

Serious cases of theft will be reported to the Police.

The Below Listed Policies / Documents Interact with this Policy:

- *Code of Conduct*
- *General Conduct Policy*
- *Discipline and Termination Policy*



## **MOTOR VEHICLE POLICY**

The purpose of this policy is to outline the conditions of use of vehicles owned by Full Moon Hotel ('the Employer') for both business and private use, as well as use of private vehicles to conduct business on behalf of the Employer.

An employee who has been approved to drive a company-owned vehicle must agree in writing to abide by all provisions of this policy before they will be permitted to drive the vehicle.

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### **APPROVAL TO USE COMPANY-OWNED VEHICLES**

Use of motor vehicles owned by the Employer will be approved at the sole discretion of the Employer and is subject to genuine business requirements.

Should it be determined by the Employer that the employee requires use of a company-owned vehicle, the employee will need to provide evidence of the following:

- Possession of a current Driver's Licence that is valid for the class of vehicle to be driven;
- Any driver disqualifications or restrictions currently in place (if any).

Should the employee have current driver disqualifications or restrictions, this may impact on their eligibility to drive company-owned vehicles. Where the Employer determines that an employee is not eligible on the basis of any driving disqualification/restriction in place, this will be discussed with the employee. In this case, a review of driver eligibility will be undertaken upon expiry of the disqualification/restriction in question.

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### **USE OF COMPANY-OWNED VEHICLES**

#### ***Driver Responsibilities***

An employee who has been approved to drive a company-owned vehicle ('approved employee') is the only person who is permitted to drive the vehicle, unless otherwise approved in writing by the Employer.

An approved employee is only permitted to use the vehicle to conduct business on behalf of the Employer, unless otherwise approved in writing by the Employer.

Where the Employer has permitted the employee to drive the vehicle for private use, such use must be in accordance with the Reasonable Use Section of this policy.

Where the employee has requested the Employer to consider approval of another person to drive the vehicle (e.g. spouse of employee), it is the responsibility of the employee to obtain evidence of driving eligibility from the person.

### ***Compliance with Road Rules***

An approved employee must abide by all road rules at all times while operating the vehicle. Failure to do so may result in the employee's approval to drive company-owned vehicles being revoked.

Driving under the influence of alcohol or drugs is strictly prohibited in company-owned vehicles. Drivers found to be driving under the influence of alcohol or drugs will be prohibited from driving company-owned vehicles. Where the driver is an employee, they will also be subject to disciplinary action in accordance with the *Discipline and Termination Policy*.

### ***Mobile Phones***

Mobile phones are not permitted to be used while operating a company-owned vehicle unless a hands-free device is used (Eg. Bluetooth). However, text messaging or reading text messages while driving is strictly prohibited.

### ***Smoking***

Smoking in company-owned vehicles is strictly prohibited at all times. Any employee found smoking in a company-owned vehicle will be subject to disciplinary action in accordance with the *Discipline and Termination Policy*.

### ***Reasonable Personal Use***

Where the Employer has approved for an employee (and other person, Eg. spouse, where applicable) to use a company-owned vehicle for personal use, the following conditions apply:

*Reasonable Use includes:*

- Driving to and from work; and
- Private use outside of work hours not exceeding 20% of the total vehicle usage.

*Unreasonable Use includes, but is not limited to:*

- Excessive mileage for private use. For example, taking a company-owned vehicle on a holiday or driving long distances on weekends;
- Any circumstances driving more than 500 km during Christmas closure period;
- Any form of race or rally driving, or any similar kinds of activities;
- Driving off a formed road or track;
- Using the vehicle in connection with business that is not the Employer's business;
- Use of the vehicle by any unauthorised person (e.g. friends, family etc).

### ***Traffic Fines and Infringement Notices***

All traffic fines and infringement notices incurred during use of a company-owned vehicle are the sole responsibility of the person driving the vehicle at the time they are incurred.

The Employer will not under any circumstances pay any penalties or infringements. The cost must be borne by the driver responsible for the offence.

Where an infringement notice is received by the Employer, the employee will be required to complete a Statutory Declaration, nominating themselves as the driver of the vehicle at the time of the infringement.

Where an employee believes they were not responsible for the infringement, it will be their responsibility to nominate the responsible driver.

Any dispute in relation to an infringement notice is the sole responsibility of the driver to pursue with the relevant traffic authority.

### ***Valid Driver's Licence***

It is the responsibility of the employee to ensure they provide a copy of their Driver's Licence as proof of their eligibility to drive company-owned vehicles.

In addition, any approved employee must immediately notify the Employer of any changes to their licence and its validity, including driving restrictions and/or disqualifications. Failure to do so may result in the employee being subject to disciplinary action in accordance with the *Discipline and Termination Policy*.

### ***Parking and Security***

All company-owned vehicles must be parked in appropriately designated areas and in accordance with parking regulations and must be locked when unattended.

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## **ACCIDENTS, BREAKDOWNS, THEFT AND INSURANCE**

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### ***Accidents and Insurance***

All accidents, injuries, incidents of theft, and any other incidents involving company-owned vehicles must be reported immediately to:

1. Lucinda Black (Director)

In the event of an accident, under no circumstances should any liability be admitted to, as this may impact a potential insurance claim.

Where damage to a company-owned vehicle is a direct result of illegal action by the driver (e.g. driving under the influence of alcohol or drugs) or in other circumstances where the actions of the driver has invalidated the insurance for that vehicle, the driver may be liable for any related costs.

In the event that an accident involving a driver who is not approved by the Employer, the employee will be responsible for all costs associated with the repair of the vehicle and other costs associated with the accident.

Where an accident involves another vehicle and/or there is an injury to any person, emergency services should be called immediately from the scene of the accident (including police and/or ambulance).

Where an accident involves damage to a company-owned vehicle, the driver must complete a *Motor Vehicle Accident Report Form* at the scene of the accident. The Employer will not pay any insurance excess if the form is not completed.

## ***Breakdowns***

In the event of a company-owned vehicle breaking down (e.g. flat tyre or mechanical failure), under no circumstances should the driver attempt to fix the vehicle (including changing tyres). The driver must call the roadside assistance service as indicated on the emergency contact sheet located in the glove box of the vehicle.

Where a vehicle breaks down during a journey, the driver should, wherever possible, park the vehicle in a safe place off the road. The vehicle's hazard lights must also be activated. The driver should only exit the vehicle when and if it is safe to do so and wait for the roadside assistance service to arrive to either fix or tow the vehicle.

Where the vehicle needs to be towed, the driver should contact the relevant towing service as indicated on the emergency contact sheet located in the glove box.

The Employer will pay for the cost of transportation back to the workplace, if this is required.

## ***Theft***

Where a company-owned vehicle is stolen, the employee must report this immediately to the police and provide a copy of the police report and the police contact number to the Employer.

The Employer will not accept any liability for damage to or loss or theft of any personal belongings of any driver of a company-owned vehicle.

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## **MAINTENANCE AND LOG BOOKS**

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### ***Maintenance***

Where a company-owned vehicle is allocated to an employee, they will be responsible for maintaining the vehicle in good condition and working order and in accordance with manufacturer's minimum standards. This includes regular servicing and cleaning of both exterior and interior of the vehicle. Any costs associated with cleaning the vehicle will be borne by the employee.

### ***Logbooks***

For a period of 12 consecutive weeks every financial year, all drivers are required to complete logbook entries for every journey. Each entry must include the date, kilometres travelled, to and from locations and whether the journey was for business or private use.

Once the logbook has been completed for the required period, it must be submitted to the Employer.

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## **TERMINATION AND SUSPENSION OF VEHICLE USE**

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### ***Suspension of Vehicle Use***

An employee and/or other approved driver may be suspended from using a company-owned vehicle in the following situations:

- Where the employee is on extended annual leave (more than 4 weeks per annum);
- Where the employee is on extended personal leave (more than 10 consecutive days);
- Where the employee is on long service leave for a period of more than 4 weeks;
- Where the employee is receiving workers' compensation payments for more than 2 weeks;
- Where the employee is on unpaid leave of more than 2 weeks;
- Where the driver has been disqualified from driving for any period; and
- Any other situation deemed appropriate by the Employer.

### ***Termination of Vehicle Use***

An employee and/or other approved driver may have approval to drive company-owned vehicles terminated in the following situations;

- Where the employee leaves the employ of the Employer;
- Where the employee is transferred or promoted to a position that no longer requires use of a company-owned vehicle; and
- Where the driver is found guilty of breaching the terms of this policy (including but not limited to excessive personal use, speeding, driving under the influence of alcohol or drugs or other infringements).

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## **USE OF PRIVATE MOTOR VEHICLE FOR BUSINESS PURPOSES**

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With the exception of employees in receipt of a vehicle allowance, employees must, where possible, use a company-owned vehicle to conduct business on behalf of the Employer.

However, where an employee is required to use their private vehicle for business purposes, reasonable costs will be reimbursed in accordance with the relevant industrial instrument.

Where an employee uses their private vehicle for business purposes, it is their sole responsibility to ensure that the vehicle is appropriately registered and that they have the appropriate level of insurance to cover any accidents that may occur while using the vehicle. Under no circumstances will the Employer accept any liability for damages associated with an accident incurred while conducting business activities on behalf of the Employer.

Travel from home to the usual place of work and return (or equivalent distance) is considered to be private use and no reimbursement of expenses will be paid for such journeys.

The Below Listed Policies / Documents Interact with this Policy:

- *Code of Conduct*
- *Discipline and Termination Policy*
- *Motor Vehicle Accident Report Form*

## **(NES UNPAID) PARENTAL LEAVE POLICY**

Parental leave is provided for in the National Employment Standards (“NES”) as enshrined in the *Fair Work Act 2009*.

Full Moon Hotel (“Employer”) recognises that parental leave is a basic employment entitlement that is necessary to achieve equality in the workplace and to balance both work and family responsibilities.

The Employer is committed to ensuring that, wherever possible, employees have access to a healthy work-life balance.

This policy provides guidelines on the effective operation of unpaid parental leave. This policy aims to:

- Assist employees to know and comply with all of the notice and documentation requirements;
- Assist managers to know, comply and respond accordingly to an employee’s requests in accordance with the NES entitlement and this Policy;
- Assist in fostering and cultivating a workplace free from discrimination; and
- Provide guidance to employees and managers in the administration of unpaid parental leave.

The Commonwealth Government funds the Paid Parental Leave scheme which provides eligible persons with an entitlement to payment. This is distinct from the entitlement provided under the NES. The payment is to assist eligible families taking time off work to care for a newborn or newly adopted child. Services Australia provides further information about the Government funded scheme, which is available here: <https://www.servicesaustralia.gov.au>

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### **BASIC ENTITLEMENT**

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An eligible employee is entitled to 12 months unpaid leave if:

- The employee, the employee’s spouse, or the employee’s de factor partner gives birth, or
- The employee adopts a child under 16.

The leave can be taken as a single continuous period, flexibly (up to 100 days), or a combination of both.

#### ***Flexible Unpaid Parental Leave***

Employees are able to use up to 100 days of their unpaid parental leave entitlement at a period and in a way that suits them, at any time before their child turns two years of age. This flexible unpaid parental leave allows employees to access some of their leave in separate periods after they have returned to work, if they do not wish to take their 12 months’ unpaid parental leave in one single continuous period.

The days can be taken consecutively, or separately, in any configuration agreed upon between the employee and the employer. The minimum period to be taken is one day at a time.

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## **EMPLOYEE ELIGIBILITY**

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Full Moon Hotel employees are eligible for the above unpaid parental leave if, prior to the expected date of birth or adoption placement, they are:

- full-time or part-time employees with at least 12 months of continuous service; or
- casual employees with 12 months of regular and systemic continuous service who have a reasonable expectation of continuing regular and systematic work.

Unpaid parental leave applies to employees who have, or will have, responsibility for the care of the child.

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## **EMPLOYEE NOTICE AND EVIDENCE REQUIREMENTS**

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An employee is entitled to take unpaid parental leave when they:

- inform the Employer of their intention to take unpaid parental by giving at least 10 weeks written notice (unless it is not possible to do so)
- specify the start and end dates for any continuous unpaid parental leave
- state the total of flexible unpaid parental leave days the employee intends to take
- at least 4 weeks before the intended start date, confirm:
  - the intended start and end dates,
  - the number of unpaid parental leave days they're taking
  - advise the employer of any changes (unless it is not possible to do so).

The Employer may require evidence that would satisfy a reasonable person of the actual or expected date of birth of a child, or the day or expected day of placement of a child.

The Employer may also require medical evidence where a pregnant employee wants to continue to work within the 6 weeks prior to the expected date of birth. If required, this medical evidence should contain the following information:

- a statement of whether the employee is fit for work;
- if the employee is fit for work, a statement of whether it is inadvisable for the employee to continue in her present position because of:
  - illness or risks arising out of the employee's pregnancy or
  - hazards connected with the position.

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## **REQUEST FOR EXTENSION (WITHIN FIRST 12 MONTHS)**

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If the employee's first period of unpaid parental leave is less than 12 months, the employee may give written notice to extend their leave, up to and not exceeding a total period of 12 months.

Written notice must be provided at least 4 weeks before the end date of the original leave period, and must specify the new end date of the leave.



Within the first 12 months, employees may only extend their leave once. Further extension requests within the first 12 months are not guaranteed, and are subject to agreement from the Employer.

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### **REQUEST FOR ADDITIONAL ENTITLEMENT (EXTENDING AFTER INITIAL 12 MONTHS)**

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Employees who take a period of 12 months unpaid parental leave may make a written request to extend the leave for a further period not exceeding an additional 12 months (up to 24 months unpaid parental leave in total), immediately following the end of their initial parental leave period.

The request must be in writing and given to the Employer at least 4 weeks before the end of the initial parental leave period.

The Employer will give the employee a written response to the request as soon as practicable and no later than 21 days after receiving the request. If the employer grants the request, this will be confirmed in writing.

If the original request of the Employee cannot be accommodated, then the Employer will have a discussion with the employee and make a genuine attempt to reach an agreement with the Employee for a different period. If a different agreement about the period of leave is reached, then the Employer will set out the agreed extended period.

If a different agreement cannot be reached after genuine attempts were made by both the Employer and employee and the Employer has had regard to the consequence of the request being refused, then the Employer may refuse the request on reasonable business grounds.

Reasonable business grounds include:

- that the extension of the period of unpaid parental leave requested by the employee would be too costly for the employer;
- that there is no capacity to change the working arrangements of other employees to accommodate the extension of the period of unpaid parental leave requested by the employee;
- that it would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the extension of the period of unpaid parental leave requested by the employee;
- that the extension of the period of unpaid parental leave requested by the employee would be likely to result in a significant loss in efficiency or productivity;
- that the extension of the period of unpaid parental leave requested by the employee would be likely to have a significant negative impact on customer service.

If the Employer refuses the request, a written response must be provided that specifies the reasons for the decision. The written response will include the business ground on which the request was refused and how those grounds apply to the employee's request.

Employees have a right to dispute the Employer's refusal decision by:

- lodging a complaint; or
- lodging direct with the Fair Work Commission.

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## **BOTH PARENTS TAKING LEAVE**

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Parents can each take an initial 12-month period of unpaid parental leave, and an additional 12 months (up to 24 months in total each) if their employer approves their extension request. Parents can take unpaid parental leave at the same time for part or all of their period of leave.

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## **TRANSFER TO AN APPROPRIATE SAFE JOB**

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A pregnant employee who is entitled to unpaid parental leave and who has complied with the notice and evidence requirements for taking unpaid parental leave may be transferred to an 'appropriate safe job'.

This will occur where the pregnant employee gives Full Moon Hotel evidence that she is fit for work, but that it is inadvisable for her to continue in her present position during a stated period because of:

- (a) illness, or risks, arising out of her pregnancy; or
- (b) hazards connected with that position.

An 'appropriate safe job' is a safe job that has:

- the same ordinary hours of work as the employee's present position; or
- a different number of ordinary hours agreed to by the employee.

If the employee is transferred to an appropriate safe job, <insert name of the employer> will pay the employee for the safe job at the employee's full rate of pay (for the position she was in before the transfer) for the hours that she works during the period. If there is no appropriate safe job available, the employee is entitled to take paid 'no safe job leave' for the required period.

If the employee takes paid 'no safe job leave', <insert name of the employer> will pay the employee at the employee's base rate of pay for the employee's ordinary hours of work during the period.

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## **CONSULTATION**

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Employees on unpaid parental leave will be kept informed of any decision by Full Moon Hotel that will have a significant effect on the status, pay or location of their pre-parental leave position. The Employer is committed to taking all reasonable steps to give employees information about any proposed changes and the opportunity to discuss the effects it may have on an employee's position and employment.

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## **RETURN TO WORK GUARANTEE**

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On ending approved parental leave, an employee is entitled to return to:

- the employee's pre-parental leave position; or
- if that position no longer exists, an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position.

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## INTERACTION WITH GOVERNMENT PAID PARENTAL LEAVE SCHEME

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The NES provided parental leave is unpaid. However, employees may apply to Services Australia to access the Commonwealth Government's Paid Parental Leave scheme. Note: an entitlement to the NES provided parental leave does not automatically provide an entitlement to Paid Parental Leave.

The Below Listed Policies / Documents Interact with this Policy:

- *(Government Paid) Parental Leave Policy*
- *Applying for Leave Policy*
- *Application for Leave Form*

## **OUT OF HOURS CONDUCT POLICY**

Employee conduct outside of working hours has the potential to negatively impact Full Moon Hotel ("Employer") and/or other employees of this workplace. Therefore, Full Moon Hotel has the right to protect their business brand and/or reputation where damage may be caused by employees, despite the conduct occurring outside of working hours.

The intention of this Policy is not to unduly diminish an employee's right to privacy and freedom outside of work. However, the impact of certain out of hours conduct on the Employer and the damage such conduct can have on the employment relationship must be recognised.

The purpose of this Policy is to:

- Identify situations where out of hours conduct will be considered inappropriate.
- Outline the process that will be followed in the event an employee is alleged to have engaged in inappropriate out of hours conduct; and
- Set out on what grounds disciplinary action may be taken in relation to inappropriate out of hours conduct.

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### **INAPPROPRIATE OUT OF HOURS CONDUCT**

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Out of hours conduct is considered inappropriate if the conduct results in/with:

- Bringing the Employer into disrepute.
- Damaging the interests, brand, or reputation of the Employer; and/or
- Incompatibility with the employee's duty of good faith to Full Moon Hotel.

Please note, the above list is not exhaustive.

Examples of out of hours conduct that the Employer considers inappropriate includes, but is not limited to:

- Criminal offences involving stealing, fraud or other dishonesty regarding cash or goods (where there is a relevant connection between the offence and the employee's position).
- Making derogatory or defamatory comments about the business (including on social media).
- Violence, harassment, or discrimination towards other employees (including on social media).

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### **THE INVESTIGATION PROCESS**

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Where an allegation of inappropriate out of hours conduct comes to the attention of management and a connection between the conduct and the workplace can be established, a full, fair, and thorough investigation will take place in accordance with the procedure set out in the *Discipline and Termination Policy*.

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## DISCIPLINARY ACTION

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Where an investigation into inappropriate out of hours conduct concludes with a finding that an employee has engaged in misconduct, Full Moon Hotel will determine whether disciplinary action is appropriate, having regard to the *Discipline and Termination Policy*.

In determining the nature of disciplinary action to be taken, Full Moon Hotel will take into account the following:

- The nature of the conduct.
- The extent to which the conduct adversely impacts the business or public reputation of Full Moon Hotel.
- The degree of connection that exists between the conduct and the employment relationship.
- The effect of the conduct on the relationship between the Employer and the employee; and
- Any mitigating circumstances.

The Below Listed Policies / Documents Interact with this Policy:

- *Anti-Discrimination Policy*
- *Discipline and Termination Policy*
- *Social Media Policy*

## **PERFORMANCE MANAGEMENT POLICY**

It is the aim of Full Moon Hotel ("Employer") to ensure that it provides the best service to its customers, patrons, guests. To achieve this objective, all areas of the Employer's business must perform at the highest possible level. This in turn requires each employee to perform their assigned duties, utilising their skills, knowledge, and experience to the best of their abilities.

The Employer also aims to ensure that appropriate tools and procedures are in place to manage employee performance as well as to support employees to perform at their best.

Accordingly, the Employer will ensure that:

- Adequate training, resources and support are provided to assist employee performance;
- Performance of employees is monitored, and regular feedback is provided to employees on their performance;
- Good performance is encouraged and rewarded where appropriate;
- Areas for performance improvement are identified and addressed in a timely way; and
- Performance management processes are implemented in a fair and reasonable way.

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### **PERFORMANCE REVIEW**

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The Employer will implement procedures to monitor employee performance and provide regular feedback.

The manager/supervisor will give informal feedback to the employee at any time as part of normal supervision activities. In addition, the employee will participate in formal performance reviews on a regular basis. At a minimum these will be conducted as follows:

- Prior to the end of the employee's ***Minimum Employment Period\****; and
- On an annual basis.

In conducting a formal performance review, the manager/supervisor will ensure that:

- A review meeting is organised and conducted in a private area;
- Performance feedback provided is objective, fair and reasonable and based on aspects of the position held by the Employee; and
- The review is documented using the *Performance Review Form*;

The employee must be given the opportunity to read, comment on and acknowledge the review.

Where career or performance development activities have been identified for implementation, it is the responsibility of the employee to ensure that these are implemented as required, with the assistance of the manager/supervisor.

Where areas of performance improvement have been identified, the manager/supervisor must monitor the employee to ensure that the required improvement has been achieved. If it does not improve within the designated period, performance counselling may be implemented as below.

\* The **Minimum Employment Period** ('MEP') is provided under the S383 of the *Fair Work Act 2009*. For Employers defined as small businesses (i.e., employ less than 15 employees), the MEP is 12 months. For all other Employers the MEP is 6 months.

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## PERFORMANCE COUNSELLING

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The Employer will implement performance counselling procedures where concerns relating to any one or more of the following (non-exhaustive list) occur:

- Fulfilment of position duties and/or responsibilities;
- Service and/or work quality or standards;
- Time management;
- Compliance with the Code of Conduct, policies and/or procedures;
- Punctuality and/or attendance (including completion of timesheets);
- Interpersonal communication and professionalism.

Where it becomes necessary for a manager/supervisor to address inadequate performance with an employee the following procedures\* are to be followed:

### Informal Counselling

Where a performance issue is identified by the manager/supervisor, they should meet with the employee as soon as possible to discuss the matter.

The meeting should proceed in the following manner:

- The manager/supervisor explains the reason for the meeting, the performance that is inadequate and the way in which the standard of performance required of the employee is not being met;
- The manager/supervisor requests a response from the employee explaining why the performance is not to standard;
- There is a discussion of the employee's explanation, including the standard required and suggestions as to what can be done to meet the standard required;
- The manager/supervisor clearly advises the employee that future instances of not meeting the required standard may lead to formal performance counselling or disciplinary action and potentially dismissal; and
- Confirmation by the manager/supervisor of the review period in which the employee should demonstrate improvement is provided. In most instances this period should be no longer than three months.

The meeting must be documented on a *File Note* and securely retained by the manager/supervisor as a record of its occurrence.

If, upon review of the employee's performance there has been little or no improvement, or the performance issue is significant, a formal counselling process should be implemented as detailed below.

### Formal Counselling

Where a significant performance issue is identified by the manager/supervisor, or there is ongoing performance issues following an informal counselling meeting, the manager/supervisor should meet with the employee as soon as possible to discuss the matter.

The meeting should proceed in the following manner:

- The manager/supervisor explains the reason for the meeting, the performance that is inadequate and the way in which the standard of performance required of the employee is not being met;
- The manager/supervisor requests a response from the employee explaining why the performance is not to standard;
- There is a discussion of the employee's explanation, including the standard required and suggestions as to what can be done to meet the standard required;
- The manager/supervisor clearly advises the employee that future instances of not meeting the required standard may lead to disciplinary action and potentially dismissal; and
- Confirmation by the manager/supervisor of the review period in which the employee should demonstrate improvement is provided. In most instances this period should be no longer than three months.

The meeting must be documented on a *Performance Improvement Plan* ('PIP') and placed on the employee's file as a record of its occurrence. The employee should be provided with a copy of the PIP confirming what was addressed at the meeting and any action required to be taken as a result.

If, upon review of the employee's performance there has been little or no improvement, a disciplinary process should be implemented as detailed in the *Discipline and Termination Policy*.

The Below Listed Policies / Documents Interact with this Policy:

- *Discipline and Termination Policy*
- *File Note Form*
- *Performance Improvement Plan Form*
- *Performance Review Form*



## **REHABILITATION POLICY**

Where an employee is injured at work there are substantial benefits to be gained from rehabilitation.

This involves the provision of timely and adequate services including a suitable 'return to duties' program that:

- Retains injured or ill employees at work; and / or
- Ensures the employee's earliest possible return to work; and / or
- Maximises the employee's independent functioning if return to work is precluded.

All employees of Full Moon Hotel share the responsibility to keep the workplace safe and to co-operate with the return to work program of an injured employee. All employees are encouraged to offer support and encouragement to injured employees.

Full Moon Hotel ("Employer") is committed to:

- Ensuring workplace rehabilitation is commenced as soon as possible after a work illness or injury occurs (in accordance with medical advice);
- Ensuring suitable medically approved duties are made available to employees to facilitate their safe and early return to work wherever possible;
- Maintaining contact with the injured employee during their absence;
- Reporting injury and starting claim process;
- Respecting the confidential nature of medical information;
- Ask the injured employee to sign an authorisation form that gives permission to contact employee's doctor for guidance on return to work;
- Monitor employee's recovery process and implement beneficial changes to their work as they improve. Continue to keep WorkCover or the insurer informed;
- Implement and maintain effective workplace rehabilitation policies and procedures, engage with the education of all employees about these policies and procedures.

Employees are required and expected to:

- Notify management of their injury and complete an incident report;
- After consulting with their doctor they can advise, the workplace may have other (suitable) duties if they are unable to undertake their normal role;
- Actively participate in the rehabilitation and return to work process between the Employer, themselves, their treating medical provider, and their rehabilitation coordinator or case manager;
- Attend medical and other treatment appointments;
- Provide their manager with copies of any medical certificates provided;
- Keep their manager regularly informed of their progress;
- Assist and cooperate in ensuring that this Policy is followed;
- Any breach of this Policy may be subject to disciplinary action.

\*Our Rehabilitation and Return to Work Coordinator is Lucinda Black (Director).

## **RESPONSIBLE SERVICE OF ALCOHOL HOUSE POLICY**

Full Moon Hotel (“Employer”) has a policy to serve patrons in a responsible, friendly and professional manner. Our staff are available to assist patrons in their decision to drink in moderation.

Staff will not serve any person under the age of 18 years, or any unduly intoxicated patron. Service may also be refused on the basis of disorderly conduct or the patron not meeting the establishment’s standards of dress or behaviour.

Full Moon Hotel wishes to encourage patrons to enquire about our extensive range of low and non-alcoholic drinks, food offerings.

The following Policy is to be complied with by all staff. Failure to do so may result in disciplinary action, which may include termination of employment.

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### **RESPONSIBLE SERVICE OF ALCOHOL**

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- Our management and staff (including contracted crowd controllers) support the responsible service and supply of alcohol.
- The Employer and staff abide by all relevant legislation relating to the service and supply of liquor, and this is reinforced and practiced in daily operations.
- Management and staff (including contracted crowd controllers) of Full Moon Hotel are trained in the responsible service and supply of alcohol, and a register and copy of the Statements of Attainment of all staff are kept at the venue.
- Our management will always support staff who practice and enforce Responsible Service of Alcohol (RSA).

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### **MINORS**

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- Minors will not be permitted to enter premises unless exempt under the *Liquor Act 1992*. Additionally, minors will not be served alcohol.
- Service of alcohol will be refused to any person who cannot produce appropriate evidence of age. Only the following types of photo ID will be accepted where there is any doubt that a person is under 18:
  - A current driver’s licence or learner’s permit (valid with photo)
  - A current passport (from any country-valid with photo)
  - An Australian government-issued proof-of-age card (18+ Card)
  - A Victorian Keypass.
  - A foreign driver’s licence with a photo and date of birth of the licence holder. Where a foreign driver’s licence is not written in English, an International Drivers Permit issued in the foreign country of origin (and including a photo of the licence holder and translation) must be presented with the foreign driver’s licence.
- Anyone obtaining alcoholic drinks for consumption by minors will be removed from the premises.
- Management supports staff who practice and enforce ID checking.

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## UNDULY INTOXICATED AND DISORDERLY PATRONS

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- Licensing laws prohibit liquor supply to disorderly, unduly intoxicated and underage persons.
- Patrons showing signs of undue intoxication or disorderly behaviour will be refused service and will be asked to leave the premises.
- Full Moon Hotel will not tolerate any harassment of patrons or staff of any kind and offending patrons will be asked to leave the premises.
- Management supports staff refusing service for unduly intoxicated patrons.
- The Full Moon Hotel offers complimentary telephone service for patrons to arrange taxi service or if requested staff will make the arrangements on behalf of patrons.

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## SECURITY

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- Full Moon Hotel only employs crowd controllers licensed under the *Security Providers Act 1993*. Management keeps a register of all current licenses.
- Crowd controllers will refuse entry to, and will ask unduly intoxicated patrons to leave the premises.
- An incident register will be kept as a record with full details of incidents involving customers, staff and security in and around this venue.
- Information on who will be refused entry will be clearly advertised at the entrance (e.g. Dress code).
- Closed Circuit Television (CCTV) cameras are operational, and monitor and record at all entries and exits of this venue. CCTV recordings are held for a minimum of 28 days.
- Our ratios of crowd controllers to patrons are to ensure the safety of our patrons. Our ratios are as follows from 11pm on nights where the premise trades after 1am. 1 crowd controller per 1-100 patrons. 2 crowd controllers per 101-200 patrons.

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## STAFF TRAINING

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- Due to the need for all employees involved in the sale or supply of liquor to maintain a current RSA certificate, those employees will be required to provide Full Moon Hotel with a copy of the certificate.
- Full Moon Hotel supports on-going staff training in Responsible Service of Alcohol. Staff are required to attend regular meetings regarding changes to legislation and industry 'best practice'. A record of these meetings, including attendance, will be kept.

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## PROMOTIONAL ACTIVITIES

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- Full Moon Hotel will not engage in any practice or promotion that encourages the rapid or excessive consumption of liquor.
- The Employer supports and abides by the "Code of Practice for the Responsible Service, Supply, and Promotion of Liquor".
- Free liquor and multiple quantities of liquor are not promoted off the premises.
- Management do not heavily discount or offer free alcohol to encourage a culture of binge drinking or irresponsible consumption practices.

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## RESPONSIBLE HOSPITALITY PRACTICES

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- Full Moon Hotel has a range of non-alcoholic and low-alcohol drinks available for patrons to purchase should they wish.
- Full Moon Hotel will provide water as required by regulation.
- Full Moon Hotel will promote awareness of drink spiking issues.
- Full Moon Hotel encourages patrons to monitor and control their consumption of liquor, and will deter patrons from rapidly and excessively consuming liquor.
- This venue has a safe transport program for patrons requiring assistance.

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## NOISE MANAGEMENT

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- We respect our neighbours and ask patrons to respect them too.
- We monitor entertainment and patron noise to comply with all prescribed noise levels.
- We monitor behaviour in and around the vicinity of the venue.

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## COMMUNITY AND INDUSTRY CONSULTATION REGARDING THE CONDUCT OF THE BUSINESS

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- The licensee would be willing to join a relevant Liquor Accord Group, should one be established in the area.
- Full Moon Hotel promotes themselves as an integral part of the wider Sandgate community and as a consequence interacts with various community groups.
- The licensee is willing to meet with authorities such as OLGR, Qld Police Service and Council, as frequently as required.

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## COMPLIANCE WITH *THE LIQUOR ACT 1992* AND OTHER LAWS

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Full Moon Hotel complies with all mandatory laws including:

- *Liquor Act 1992*
- *Gaming Machine Act 1991*
- *Anti-Discrimination Act 1991*
- *Tobacco and Other Smoking Products Act 1998*
- *Trade Measurements Act 1990*
- *Security Providers Act 1993*
- *Work Health and Safety Act 2011*
- *Industrial Relations Act 2016*
- *Fair Work Act 2009*
- *Workers' Compensation and Rehabilitation Act 2003*
- *Food Act 1981*
- *Fire and Rescue Service Act 1990*
- Local by-laws outlined by Local Government

The Below Listed Policies Interact with this Policy:

- *Training and Development Policy*

## **RESPONSIBLE SERVICE OF GAMBLING POLICY**

Responsible Service of Gambling (RSG) focuses on harm minimisation. Gaming Licensees and other staff must provide gambling products in such a way that minimises harm associated with gambling while maximising the benefits and enjoyment derived from this ancillary form of entertainment.

The entire gambling industry in Queensland (i.e. hotels, clubs, casinos, lotteries etc.) operates under a voluntary *Responsible Gambling Code of Practice* which focuses on harm minimisation. Full Moon Hotel ("Employer") upholds this Code of Practice.

The Code outlines the six (6) core practices operators must comply with when offering the many forms of gambling to their customers, of which poker machines are one. Supporting the Code is the Hotel Sector *Responsible Gambling Resource Manual* which details exactly how the six practices are to be implemented at the workplace\*. At all times this Manual represents the first reference point concerning issues relating to gambling and is considered by the industry to be 'best practice'.

Full Moon Hotel will provide, where possible, assistance to problem gamblers should they seek it from the Employer. This process is known as Exclusions Provisions. To assist staff to promote a responsible approach to the provision of gambling products in this establishment, the following guidelines have been developed in line with the *Responsible Gambling Code of Practice* and *Responsible Gambling Resource Manual*. They provide direction for both experienced and new staff members by outlining some of the available options. These directions will allow staff to effectively deal with patrons who are adversely affected by gambling. These directions will also form part of ongoing industry training.

Licensees, gaming machine managers and employees are not counsellors. Counselling is best left to experts. Despite this, staff must still be prepared to be sensitive to the problems associated with gaming machine overuse. Full Moon Hotel considers it essential to be sensitive to the needs of our customers and offer an appropriate level of service.

An exclusion can be either:

- Requested by the patron (self-exclusion); or
- Initiated by the gambling provider.

It can involve:

- Whole of venue; or
- The gaming machine area; and/or
- Participating in keno or TAB betting.

Licensees should consider any information from a third party e.g. wife, husband, partner or sibling of a customer/patron/guest. Any action resulting from the involvement of a third party is at the manager's discretion and should be investigated and fully substantiated prior to any action being taken.

Some gamblers develop gambling problems. These people may approach the Full Moon Hotel for help. In this instance, we have a responsibility to them as a customer/patron/guest.

\* Available to download from the OLGR website

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## STAFF TRAINING

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- Due to the need for all employees involved in the sale or supply of liquor to maintain a current RSG certificate, those employees may be required to provide Full Moon Hotel with a copy of the certificate.
- Full Moon Hotel supports on-going staff training in Responsible Service of Gaming. Staff are required to attend regular meetings regarding changes to legislation and industry 'best practice'. A record of these meetings, including attendance, will be kept.

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## SELF-EXCLUSION PROGRAM

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One of the ways Full Moon Hotel can assist patrons is through a Self-Exclusion Program. It is preferable to refer the patron with a gambling problem to a nominated person. It is considered to be 'best practice' to appoint a number of Customer Liaison Officers ("CLO"), to cover all hours of trade. These CLO's should be in a supervisory position or higher, as some situations need to be handled professionally and discreetly. These guidelines are to be followed closely by all staff.

When an employee is approached by a patron with a gambling problem who is seeking help, the employee should follow these steps:

- Refer the person directly to the nominated CLO if they are available
- The nominated CLO then will:
  - Take the customer/patron/guest aside to a private quiet area;
  - Listen intently to the patron's situation and show genuine concern; and
  - Offer help by providing the person with information about the Gambling Help Line Service and the Self Exclusion Program.
- Do not attempt to offer any further advice or attempt to counsel the patron in any way;
- If the customer/patron/guest wishes to proceed with exclusion, organise the paperwork as quickly as possible;
- Encourage the customer/patron/guest to seek exclusion from other venues within their area; and
- Record all details in the Exclusions Register and make a note in the Office of Liquor and Gaming Regulation ("OLGR") Gambling Related Incident Report Form.

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## THIRD PARTY APPROACHES

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Where a family member or friend (third party) of the customer/patron/guest approaches you and expresses concern for the customer/patron/guest, the following steps should be applied:

- Refer the person directly to the nominated CLO if they are available;
- The nominated CLO then will:
  - Take the person aside to a quiet private area;
  - Listen intently to the person's situation and show genuine concern;
  - Explain the professional services that are available, (e.g. Gambling Help Line Service) and that you possess no qualifications to deal with the situation beyond referring them to a professional counsellor;
  - Advise the concerned person to urge the patron to make contact with the support services or the hotel's Customer Liaison Officer; and
  - Record all information in the OLGR's Gambling Related Incident Report Form.

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## VENUE DIRECTED EXCLUSION

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A gambling provider can, if it believes on reasonable grounds a person is a problem gambler, give an Exclusion Direction to the person.

Where an employee notices a customer/patron/guest whose behaviour is excessive and is concerned (e.g. becoming abusive with other customer/patrons/guests while gambling or aggressive towards the machines) on a continuous basis, the following actions should be taken:

- Inform the nominated person on duty or a person of authority;
- The Customer Liaison Officer then will:
  - Not force advice or help upon the patron;
  - Invite the customer/patron/guest aside to a quiet private area;
  - Firmly but politely explain the venue's concerns regarding their gambling behaviour;
  - Explain options regarding self-exclusion as preferred option;
  - Explain the professional services that are available, (e.g. Gambling Help Line Service) and encourage the patron to make contact;
  - As soon as practical record the incident in the OLGR Gambling Related Incident Report Form; and
  - If necessary initiate an Exclusion Direction to the patron, if they are unwilling to self-exclude, based on the evidence of the customer/patron/guest's problem gambling behaviour and incident history.

**Note: The Customer Liaison Officer should be competent in the exclusions process and no staff member at any time must enter into this role unless authorised to do so.**

The Below Listed Policies Interact with this Policy:

- *Training and Development Policy*



## **SEXUAL HARASSMENT POLICY**

Full Moon Hotel (“Employer”) is committed to ensuring a workplace free from sexual harassment. Sexual harassment is unacceptable and will not be tolerated in any circumstances. Employees found to have engaged in sexual harassment may face disciplinary action, including immediate termination of employment for serious misconduct.

Sexual harassment is against the law, prohibited by the:

- Sex Discrimination Act 1983 (Cth) (‘the Act’);
- Anti-Discrimination Act 1991 (Qld); and
- Fair Work Act 2009.

Under all three pieces of legislation, employers may be held vicariously liable for acts of sexual harassment committed by employees or agents in connection with their employment, unless all reasonable steps are taken by the employer to prevent sexual harassment from occurring.

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### **WHAT IS SEXUAL HARASSMENT?**

The Act defines that a person has sexually harassed another person if:

- (a) *“the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or*
  - (b) *engages in other unwelcome conduct of a sexual nature in relation to the person harassed;*
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.”*

Three key components of the definition of sexual harassment is that it is conduct:

- (a) of a sexual nature;
- (b) that is unwelcome; and
- (c) that a reasonable person would anticipate the possibility of causing offence, humiliation, or intimidation.

In determining whether conduct meets the definition of sexual harassment, the intention of the alleged harasser is not relevant. Conduct may still meet the definition of sexual harassment, even if the person engaging in the conduct did not intend to offend, humiliate or intimidate.

Sexual harassment includes one-off incidents and patterns of behaviour.

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### **WHAT BEHAVIOURS CAN CONSTITUTE SEXUAL HARASSMENT?**

Sexual harassment can take various forms and be obvious or indirect, physical, or verbal. It includes behaviour which creates an uncomfortable or intimidating environment. Some examples of sexual harassment include:

- Unwelcome touching, hugging or kissing;
- Sexual or suggestive comments, jokes or innuendo;
- Unwanted invitations to go out on dates or requests for sex;



- Intrusive questions about an employee's private life or body;
- The display of sexually explicit material such as posters or pictures;
- Offensive or sexually explicit communications including telephone calls, letters, faxes, emails, SMS messages or social media posts;
- Staring or leering;
- Unnecessary familiarity;
- Insults or taunts based on sex;
- Accessing sexually explicit internet sites; and
- Behaviour which would also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Certain forms of sexual harassment can be criminal offences that may need to be reported to the police. This include indecent exposure, stalking, sexual assault, and obscene or threatening language.

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## **SEXUAL HARASSMENT AT WORK**

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Sexual harassment is not just unlawful during working hours or in the workplace itself, and not only between co-workers. Sexual harassment is unlawful in any work-related context, including functions and events, and in the use of social media, where the conduct engaged in has a link to the workplace or employment.

Sexual harassment can occur as a result of the sexually harassing actions of:

- A co-worker;
- A supervisor or manager;
- A contractor;
- A work experience student or volunteer;
- A service provider;
- A client or customer

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## **WHAT IS NOT SEXUAL HARASSMENT?**

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Sexual harassment has nothing to do with mutual attraction or friendship. Sexual interaction such as flirtation and attraction is not sexual harassment when it is invited, mutual, consensual or reciprocated. However, such interaction may not be lawful where one or both parties are under the age of consent. Accordingly, sexual interaction as described above with an employee under the age of consent will not be tolerated under any circumstances.

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## **VICTIMISATION**

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A person must not victimise another person because they have made a complaint of sexual harassment, or because a complaint of sexual harassment has been made about them. Victimisation may include treating the other person unfairly because of the complaint, or because of their connection with the complaint.

Victimisation is unlawful under the Act. Section 94 of the Act provides a full legal definition of victimisation. Any form of victimisation is prohibited and will not be tolerated by the Employer.

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## WHAT SHOULD I DO IF I FEEL I HAVE BEEN SEXUALLY HARASSED?

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If you believe you have been sexually harassed, or if you believe you witnessed sexual harassment, there are a number of options available.

### **Consider whether to talk to the person**

Employees should not take this option if it is unsafe or if they feel uncomfortable doing so. If appropriate, you could tell the person that their behaviour is unwelcome and inappropriate, and insist that it stops immediately. If employees do take this option, they are also encouraged to also inform their supervisor, manager, People and Culture Manager, or Lucinda Dowling Black (Director).

### **Ask the workplace for help**

Employees can raise concerns with their supervisor or manager, People and Culture Manager or Lucinda Dowling Black (Director). Based on the information provided, an investigation may need to be undertaken.

### **Lodge a Complaint**

You have the right to lodge a complaint with People and Culture Manager or Lucinda Dowling Black (Director), or your supervisor or manager. Complaints are encouraged to be lodged immediately so that an investigation can be undertaken.

Employees also have the right to make a complaint to the Queensland Human Rights Commission, or to lodge a dispute and/or stop sexual harassment order to the Fair Work Commission. However internal complaints are encouraged so that the complaint can be resolved quickly.

All complaints of sexual harassment will be treated seriously, confidentially, and impartially. Where harassment has been identified, action will be taken to ensure that any harassment stops immediately.

### **Police assistance**

If you or someone else is in immediate danger, you should call the police on 000. If there is no immediate danger but you need police assistance, phone 131 444.

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## INVESTIGATION PROCESS

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An employee who believes they have been subject to sexual harassment should follow the below process for having their complaint resolved:

Step 1: The employee is to contact their supervisor, manager, People and Culture Manager or Lucinda Dowling Black (Director)\* to advise them of the alleged sexual harassment. At this step the employee may be asked to document their complaint and provide details of when the alleged sexual harassment incidents occurred, what happened, who engaged in the alleged sexual harassment, whether there were witnesses present as well as other relevant details.

Step 2: The People and Culture Manager or Lucinda Black (Director)\* shall, upon receipt of the details of the complaint, commence an investigation into the complaint. This may involve interviewing witnesses, the complainant, the alleged harasser, and seeking other information to allow them to determine whether sexual harassment has occurred. At this step the People and Culture Manager or Lucinda Dowling Black

(Director)\* may also seek for an external party, such as Queensland Hotels Association, to undertake the investigation.

Step 3: The investigator shall make such a determination on the balance of probabilities having regard to the information gathered and the likelihood the sexual harassment occurred. The finding shall be reflected as either the complaint is substantiated, or the complaint is not substantiated.

At this stage further information may be sought to further support the investigator's investigation.

Step 4: The investigator shall advise the employee making the complaint and the person alleged to have engaged in sexual harassment (separately) of their findings and shall advise each party of the implications of the findings.

Where the investigator is a person external to the workplace, the investigation report will be provided to the Lucinda Dowling Black (Director)\* who will then determine the appropriate outcome of the report findings.

The investigation process shall take no longer than two weeks, excepting where the gathering of relevant information necessitates a longer process. In such as instance the investigator shall keep the complainant aware of the timeframes.

At any stage of the investigation process, the complainant may seek to have a support person present. All individuals must maintain privacy during investigations.

*\* Or alternative person appointed in the event the complaint involves this person.*

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## **RESPONSIBILITIES OF EMPLOYEES AND MANAGERS**

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All employees must:

1. Comply with this policy;
2. Maintain confidentiality if required to provide information during an investigation of a complaint; and
3. Take action if they suspect sexual harassment is occurring, or witness an instance of sexual harassment.

Under the Act, any person who causes, instructs, induces, aids or permits sexual harassment can be held liable as an accessory under the Act. A failure to take action, if you witness or suspect sexual harassment, may be viewed as the person causing or aiding the sexual harassment to occur.

Appropriate action may include:

- Talking to the person doing the harassment, telling them to stop the harassment;
- With the permission of the person experiencing the harassment, speaking to your employer, human resources manager or colleagues;
- Supporting the person experiencing harassment to take action for themselves and encouraging them to report the harassment.

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## **RESPONSIBILITIES OF MANAGERS**

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Managers have additional responsibilities regarding sexual harassment, which include:

- Monitoring the work environment for unacceptable behaviour
- Modelling acceptable behaviour
- Promoting the Sexual Harassment Policy and what sexual harassment is
- Treating all complaints seriously, and confidentially, and referring the complaint immediately to People and Culture Manager or Lucinda Black (Director).

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## CONSEQUENCES OF SEXUALLY HARASSING BEHAVIOUR OR VICTIMISATION

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**Sexual harassment** is strictly prohibited and will not be tolerated.

Individuals can be held personally liable for their unlawful acts of sexual harassment, and may be penalised under the Act, including monetary fines. Therefore, all employees are required to comply with this sexual harassment policy and not engage in sexual harassment.

Where the Employer is satisfied that sexual harassment has occurred, employees found to have engaged in sexual harassment may face disciplinary action, including immediate termination of employment or contract for serious misconduct.

In addition, because allegations of sexual harassment are serious, any employee who is found, following a thorough investigation, to have deliberately fabricated allegations of sexual harassment may be subject to disciplinary action including termination of employment or contract.

**Victimisation** is strictly prohibited and will not be tolerated.

Where the Employer is satisfied that victimisation has occurred, employees found to have engaged in victimising conduct may face disciplinary action including termination of employment or contract.

The details of any disciplinary action taken against a party to the complaint will be kept confidential by the Employer and will not be disclosed to any other party.

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## HARASSMENT ON THE GROUND OF SEX

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Harassment on the ground of sex, or sex-based harassment, is also unlawful under the Act, and will not be tolerated in any circumstances. Employees found to have engaged in sex-based harassment may face disciplinary action, including termination of employment.

The Act defines that a person harasses another person on the ground of sex if:

- (a) *“by reason of:*
- (i) the sex of the person harassed; or*
  - (ii) a characteristic that appertains generally to persons of the sex of the person harassed;*
- or*
- (iii) a characteristic that is generally imputed to persons of the sex of the person harassed;*
- the person engages in unwelcome conduct of a seriously demeaning nature in relation to the person harassed; and*
- (b) *the person does so in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidate”.*

Examples of conduct which may be harassment on the ground of sex includes (not an exhaustive list):

- Displaying or circulating sexist material, or putting it in someone's workspace, belongings, or on a computer or fax machine;
- Commenting about or verbally abusing a person or group because of their gender;
- Ignoring, isolating or segregating a person or group because of their gender;
- Referring to a transgender person by their previous name or gender;
- Asking intrusive questions about sexual activity.

The responsibilities on employees and managers, consequences and investigation process outlined in this policy also apply to harassment on the ground of sex.

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## REVIEW OF POLICY

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This policy and the actions outlined above will be reviewed on a regular basis and/or as required because of changes to the risk profile of the workplace or relevant legislation. If necessary, further changes and actions may be introduced to ensure that sexual harassment is prevented and controlled.

The Below Listed Policies / Documents Interact with this Policy:

- *Code of Conduct*
- *General Conduct Policy*
- *Discipline and Termination Policy*

## **SOCIAL MEDIA POLICY**

Full Moon Hotel (“Employer”) acknowledges that employees have a right to privacy and a personal life outside of work without scrutiny from their Employer. However, with advances in technology the boundary between home and work is becoming increasingly blurred. Therefore, the aim of this Policy is to outline and identify expectations for all employees regarding the use of social media.

This Social Media Policy applies to all managers, employees, and contractors of Full Moon Hotel. This Policy has been developed to ensure that all employees of Full Moon Hotel are aware of their responsibilities and obligations when using social media.

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### **PRIVATE USE OF SOCIAL MEDIA**

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Full Moon Hotel recognises that employees may wish to use social media for private use, and the intention of this Policy is not to discourage, nor unduly limit personal expression or online activities.

*Social media* refers to platforms where people can interact with others, usually via the internet. Social media occurs in a variety of formats including chat rooms, web blogs, social blogs, and wikis. Examples of social media that employees of Full Moon Hotel may use include, but are not limited to:

- social networking sites (e.g., Facebook, LinkedIn, Yammer, Instagram, TikTok, Snapchat)
- video and photo sharing websites (e.g., Flickr, YouTube)
- blogs, including corporate blogs and personal blogs
- blogs hosted by media outlets (e.g., ‘comments’ or ‘your say’ features on sites)
- micro-blogging (e.g., Twitter)
- wikis and online collaborations (e.g., Wikipedia)
- forums, discussion boards and groups (e.g., Google groups)
- vod (vlogging) and podcasting
- online multiplayer gaming platforms (e.g., Second life, Twitch)
- instant messaging (including SMS, Messenger)

However, employees should recognise the potential for damage to be caused (either directly or indirectly) to Full Moon Hotel in certain circumstances via personal use of social media when they can be identified as an employee of Full Moon Hotel. This includes any activity in which Full Moon Hotel is connected to the identity of the employee beyond simple identification of his or her affiliation with Full Moon Hotel and includes any situation in which a reader might reasonably believe that the employee is acting on behalf of Full Moon Hotel.

Accordingly, employees must comply with this Policy to ensure that the risk of such damage is minimised. Employees are personally responsible for the content they publish in a personal capacity on any form of social media platform. When in doubt, seek guidance from Lucinda Black (Director) on how to comply with the following obligations.

As a representative of Full Moon Hotel, you have a responsibility to use social media networking websites whether on company computers or on personal mobile devices with the

highest level of business integrity, acceptable conduct and personal accountability for any posts/interactions made. When in doubt, seek guidance from Lucinda Black (Director) or approved manager on how to comply with the following obligations.

Any negative reference relating to the workplace made on a public domain can affect the reputation of the business and damage relationships between staff and stakeholders. The author could also be subject to a defamation claim. For this reason, Full Moon Hotel recommends that individual social media profiles not include reference to an employee's place of employment. Even where the profile has privacy settings in place, 'friends' or 'contacts' who read posts may share those posts to external parties, including Full Moon Hotel, meaning the posts can be made public.

Employees may face disciplinary action in relation to their 'private' use of social media, particularly where it relates to or affects the profitability, reputation, or viability of Full Moon Hotel, or in the event that they engage in behaviour which is inconsistent with the Employer's policies on Workplace Harassment/Bullying, Sexual Harassment, Anti-Discrimination, the Code of Conduct and any other policy of Full Moon Hotel which relates to the workplace.

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## **ACCEPTABLE USE OF SOCIAL MEDIA ON PERSONAL DEVICES**

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In some circumstances the use of social media is incorporated into the duties of an employee's position (e.g., Sales and Marketing personnel). These employees are considered 'Authorised Users'. Authorised Users must be mindful that while executing their duties they are representing the Employer and as such, the content, language, and tone of their communications must be appropriate, and they must avoid expressing personal opinions at all times.

Authorised Users must ensure that when participating in social networking or posting on social media they:

- Use social media for the sole purpose of benefiting Full Moon Hotel.
- Disclose that they are an employee of Full Moon Hotel and a representative of the organisation.
- Use correct spelling and grammar as far as practical.
- Do not make any disparaging or negative comments about Full Moon Hotel other employees of the Employer, patrons or guests of Full Moon Hotel contractors or service providers.
- Prior to posting on social media on behalf of Full Moon Hotel they must ensure that they have the relevant approval from Management.
- Ensure that the Authorised User's login, passwords, and account details are protected and not distributed to any other person without the express permission of Full Moon Hotel.

Authorised Users of social media must not comment on topics that are not within their scope or area of responsibility and must ensure that all social media posts are in accordance with the official position of Full Moon Hotel on the particular issue and comply with the obligations outlined in Privacy Policy.

Authorised Users are permitted to use social media during working hours for business related purposes.



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## **REASONABLE USE OF EMPLOYER-OWNED DEVICES FOR SOCIAL MEDIA\***

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Full Moon Hotel, recognises that employees will, on occasion, use the Employer's computer facilities, smart phones, or other devices to access social media within the workplace during working hours.

Where the employer allows the employee to use or access social media in the workplace the use of social media must be reasonable, and comply with the following obligations:

- The use of social network websites on the Full Moon Hotel computers without written authority from Management is strictly forbidden.
- The use of social media must not adversely affect your work performance or impact on the work performance of others within the workplace.
- If access to computers is limited or shared, the employee must not use work computers or facilities for non-work purposes (such as accessing social media), where another employee needs to use the facilities for work related purposes;
- The employee must not install any unauthorised software, download social media programs, or reconfigure any computer or machine owned by the Employer.
- Full Moon Hotel's company logos and trademarks may not be used without written consent.
- Only publicly available information may be disclosed.
- The employee must use social media in a reasonable manner and must not cause damage to the Employer's reputation by engaging in unacceptable use of social media as outlined below.

The Employer recommends that personal use of social media should be limited to breaks and other non-work time where possible.

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## **UNACCEPTABLE USE OF SOCIAL MEDIA**

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Unacceptable use is prohibited by the Employer and includes, but is not limited to:

- Posting material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright or confidentiality or is otherwise unlawful.
- Implying that the employee is authorised to speak on behalf of Full Moon Hotel or giving the impression that the views you express are those of Full Moon Hotel.
- Using the identity or likeness of another employee, contractor, or other member of the Employer.
- Posting material including comments that link fellow employees, patrons, partners, suppliers, or competitors to Full Moon Hotel.
- Using or disclosing any confidential information or personal information obtained as an employee/contractor of the Employer.
- Making any comment or posting any material that might otherwise cause damage to the Employer's reputation or bring it into disrepute or be perceived as being negative; and
- Using social media for any reason during working hours excluding meal breaks (unless an Authorised User or in accordance with the 'Reasonable Use of Social Media' guidelines outlined above.



Employees who engage in unacceptable use of social media may face disciplinary action up to and including termination of employment in accordance with Full Moon Hotel Discipline and Termination Policy.

Employees are responsible for removal or alteration of any content that violates applicable federal, state, or municipal laws, rules, or regulations; Full Moon Hotel policies, procedures, rules or regulations; or the terms of use for the site on which the account is maintained.

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## PRIVACY AND MONITORING

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Employees are advised that Full Moon Hotel owns the computers used in the workplace and employees should have no expectation of privacy when using work provided facilities for private use. Where an employee's manager has reasonable suspicion of social media misuse in any of the circumstances listed in this policy document, or the use of the social networking sites for private use during work hours, the Manager may monitor the employee's system activity including checking internet usage and access without the employee's consent.

The Below Listed Policies / Documents Interact with this Policy:

- *Discipline and Termination Policy*
- *Code of Conduct*
- *Computer, Email and Internet Policy*
- *Out of Hours Conduct Policy*

## **TRAINING AND DEVELOPMENT POLICY**

Full Moon Hotel (“Employer”) is committed to enhancing the skills and career opportunities of employees. The Employer recognises that the profitability of the business is related to the level and quality of services offered to customers and guests.

Therefore, Full Moon Hotel is committed to the training and development of employees where it is deemed to be necessary and/or beneficial.

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### **EMPLOYER DIRECTED TRAINING**

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When a manager requires an employee to undergo skills development training, such training may be provided either on or off the job. Where such training is provided off the job, the training will be undertaken during paid time.

Course enrolment costs and other associated fees are the responsibility of the Employer when the training is required by the Employer.

When the Employer makes a commitment to an employee in terms of skills development, the Employee may be required to continue in the service of the Employer for an agreed period in order for the Employer to obtain a return on their investment in the Employee.

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### **EMPLOYEE REQUESTED TRAINING**

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Where an employee requests to attend a training course that is not related to their position or to the business of the Employer, the Employee will be responsible for undertaking the training during their own time and at their own expense, unless otherwise agreed by the Employer.

This also applies to training an employee is legally required to undertake to meet the inherent requirements of the position they hold, for example, RSA.

If the training is scheduled during rostered time, the employee requesting the training will also be required to apply for leave for the duration of the training.

This leave must be approved by Lucinda Black (director).

The Employer may, at its discretion, provide support to an employee to undertake non-mandatory training. This may be in the form that the Employer chooses, including provision of paid time off, financial support towards purchase of training materials and / or course registration costs. Any decision to provide support or otherwise will be final and will not be subject to further review.

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## **NEW EMPLOYEES AND RLMV / RSA / RSG**

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When advertising a position, Full Moon Hotel will state within the advertisement the duties and responsibilities of the position. As well as the criteria an applicant must satisfy before being considered for a job.

Generally, criteria is linked to skills, knowledge and training, such as a qualification, or experience working in a similar role.

With regard to a role where the appointee will be required to undertake tasks for which they are required to hold a certain qualification, such as RMLV, Full Moon Hotel will state this requirement that applicants for the role must already possess the qualification.

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## **EXISTING EMPLOYEES AND RMLV / RSA / RSG**

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Where a position requires the holding of a certain qualification (as per the relevant laws), it is the responsibility of the Employee to ensure the relevant qualification is maintained.

Where a required qualification lapses or is not held, this may result in Full Moon Hotel being required to not roster work to the Employee until the required qualification is obtained within a reasonable timeframe.

The Below Listed Policies / Documents Interact with this Policy:

- *Discipline and Termination Policy*
- *Responsible Service of Alcohol House Policy*

## WORKPLACE HARASSMENT/BULLYING POLICY

Full Moon Hotel (“Employer”) is committed to ensuring a healthy and safe workplace that is free from workplace harassment/bullying. Workplace harassment/bullying is unacceptable and Full Moon Hotel will not tolerate harassing or bullying conduct under any circumstances.

This Policy defines workplace harassment/bullying, clearly outlines Full Moon Hotel expectations of conduct in the workplace and the implications for engaging in harassing/bullying conduct, and the investigation process Full Moon Hotel will undertake to investigate and resolve complaints.

Employees and workers are encouraged to refer to this policy where they feel they are being harassed/bullied and report any concerns to approved managers or Lucinda Black (Director).

For the purposes of this policy the terms ‘harassment’ and ‘bullying’ are interchangeable.

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### WHAT IS WORKPLACE HARASSMENT/BULLYING?

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There are two definitions relevant to Queensland-based workplaces. They are:

#### QUEENSLAND WORK HEALTH AND SAFETY – WORKPLACE BULLYING

The first is defined in the *Guide For Preventing and Responding to Workplace Bullying* (‘the Guide’) which sits within the Queensland workplace health and safety legislation. The Guide was produced by Safe Work Australia, and the Queensland Government adopted it in March 2014.

**Workplace bullying** is defined within this Guide as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

**Repeated behaviour** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

**Unreasonable behaviour** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

Detailed below are examples of behaviours that may, whether they are intentional or unintentional, be considered to be workplace bullying if they are **repeated, unreasonable and create a risk to health and safety**. This is not an exhaustive list; however, it does outline some of the more common types of harassing behaviours.

Examples outlined in the Guide include:

- Abusive, insulting or offensive language or comments;
- Aggressive and intimidating conduct such as standing over, invading personal space, poking or use of gestures to otherwise physically threaten;
- Unjustified criticism or complaints;
- Deliberately excluding someone from workplace activities;
- Withholding information that is vital for effective work performance;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonably below or beyond a person’s skill level;

- Denying access to information, supervision, consultation or resources to the detriment of the worker;
- Spreading misinformation or malicious rumours;
- Changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

## FAIR WORK COMMISSION – WORKPLACE BULLYING

Workplace Bullying is also defined in the *Fair Work Act 2009*. The Fair Work Commission (FWC) has the power to receive and deal with complaints of workplace bullying from workers. In accordance with section 789FD of the *Fair Work Act 2009*, bullying at work occurs when:

1. A person or a group of people behaves unreasonably and repeatedly towards a worker or a group of workers while at work; and
2. The behaviour creates a risk to health and safety.

A **person** for the purposes of this definition is a 'worker' if the person carries out work in any capacity for a person conducting a business or undertaking (PCBU), including work as:

- An employee; or
- A contractor or subcontractor; or an employee of a contractor or subcontractor; or
- An employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- An outworker; or
- An apprentice or trainee; or
- A student gaining work experience; or a volunteer; or
- A person of a prescribed class.

Examples of Bullying include:

- Aggressive and intimidating conduct;
- Belittling or humiliating comments;
- Victimisation;
- Spreading malicious rumours;
- Exclusion from work related events;
- Unreasonable work expectations.

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## ACTIONS THAT ARE NOT WORKPLACE HARASSMENT/BULLYING

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Legitimate and reasonable management actions (taken in a reasonable way) and business processes are not considered to be workplace harassment/bullying, provided these actions are conducted in a reasonable way. Examples include:

- Performance appraisals;
- Ongoing meetings to address underperformance;
- Counselling or disciplinary action due to performance / misconduct;
- Modifying a worker's duties including transferring or re-deploying the worker;
- Investigating alleged misconduct;
- Denying a worker a benefit in relation to their employment;
- Refusing an employee permission to return to work due to a medical condition.

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## **EFFECTS OF WORKPLACE HARASSMENT/BULLYING ON PEOPLE AND THE BUSINESS**

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Workplace harassment/bullying has detrimental effects on people and the business. It can create an unsafe working environment, result in a loss of trained and talented workers, the breakdown of teams and individual relationships, and reduced efficiency.

People who are harassed/bullied can become distressed, withdrawn, or can develop mental ill-health conditions such as anxiety or depression, and can lose self-esteem and self-confidence.

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## **WORKPLACE STRATEGIES TO ELIMINATE WORKPLACE HARASSMENT/BULLYING**

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Full Moon Hotel will take the following actions to prevent and control exposure to the risk of workplace harassment/bullying:

- Provide all workers with workplace harassment/bullying awareness training;
- Develop a code of conduct for workers to follow;
- Introduce a complaint handling system and inform all workers on how to make a complaint, the support systems available, options for resolving complaints and the appeals process;
- Regularly review this workplace harassment/bullying policy, complaint handling system and training.

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## **RESPONSIBILITIES OF WORKERS**

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Full Moon Hotel requires all workers to behave responsibly by complying with this Policy, to not tolerate unacceptable behaviour, to maintain privacy during investigations and to immediately report incidents of workplace harassment to Lucinda Black (Director) or approved manager.

Managers and supervisors must also ensure that workers are not exposed to workplace harassment/bullying.

Management is required to personally demonstrate appropriate behaviour, promote the workplace harassment/bullying policy, treat complaints seriously and ensure where a person lodges, or is witness to, a complaint, that this person is not victimised.

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## **WHERE CAN I GO FOR ASSISTANCE**

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An employee who feels they are being harassed/bullied can contact Lucinda Black (Director) or approved manager for information and assistance in the management and resolution of a workplace harassment/bullying complaint.

Alternatively, employees may lodge a stop bullying order with the Fair Work Commission. However internal complaints are encouraged so that the complaint can be resolved quickly.

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## COMMITMENT TO PROMPTLY INVESTIGATE COMPLAINTS

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Full Moon Hotel has a complaint handling system which includes procedures for reporting, investigating, resolving, and appealing workplace harassment/bullying complaints.

Any reports of workplace harassment/bullying will be treated seriously and investigated promptly, fairly, and impartially. Victimisation of a person making a complaint and/or who is a witness to workplace harassment/bullying will not be tolerated.

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## INVESTIGATION PROCESS

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An employee who believes they have been subject to workplace harassment/bullying should follow the below process to have their complaint resolved:

- Step 1: The employee is to contact their manager\* to advise them of the alleged workplace harassment/bullying. At this step the employee may be asked to document their complaint and provide details of when the alleged workplace harassment/bullying incidents occurred, what happened, who engaged in the alleged workplace harassment/bullying, whether there were witnesses present as well as other relevant details.
- Step 2: The manager\* shall, upon receipt of the details of the complaint, immediately commence an investigation into the complaint. This may involve interviewing witnesses, the complainant, the alleged harasser/bully and seeking other information to allow them to determine whether workplace harassment/bullying has occurred. At this step the Manager\* may also seek for an external party, such as QHA, to undertake the investigation.
- Step 3: The investigator shall make such a determination on the balance of probabilities having regard to the information gathered and the likelihood the workplace harassment/bullying occurred. The finding shall be reflected as either the complaint is substantiated, or the complaint is not substantiated.

At this stage further information may be sought to further support the investigator's investigation.

- Step 4: The investigator shall advise the employee making the complaint and the person alleged to have engaged in workplace harassment/bullying (separately) of their findings and shall advise each party of the implications of the findings.

Where the investigator is a person external to the workplace, the investigation report will be provided to the manager\* who will then determine the appropriate outcome of the report findings.

The investigation process shall take no longer than two weeks, except where the gathering of relevant information necessitates a longer process. In such as instance the investigator shall keep the complainant aware of the timeframes.

In some circumstances, it may be appropriate to either relocate or suspend the person about whom the complaint has been made on full pay while the investigation is undertaken. Note that a casual employee may not be required to work any shifts during the period of the investigation. Such suspension does not imply any guilt in relation to the allegations but is

merely to ensure the ongoing health and safety of all parties to the complaint as well as the integrity of the investigation.

At any stage of the investigation process, the complainant may seek to have a support person present.

*\* Or alternative person appointed in the event the complaint involves the venue's manager.*

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## IMPLICATIONS OF BREACHING THIS POLICY

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Workplace Harassment/Bullying is strictly prohibited and will not be tolerated under any circumstances.

Disciplinary action will be taken against an employee who is found to have bullied/harassed another person or victimised a person who has made, or is a witness to, a complaint of workplace harassment/bullying. Such action will be taken in accordance with the *Discipline and Termination Policy*.

Complaints of alleged workplace harassment/bullying found to be malicious, frivolous, or vexatious may make the complainant liable for disciplinary action.

The details of any disciplinary action taken against a party to the complaint will be kept confidential by the Employer and will not be disclosed to any other party.

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## REVIEW OF POLICY

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This policy and the actions within it will be reviewed on a regular basis and/or required because of changes to the risk profile of the workplace or relevant legislation. If necessary, further changes and actions may be introduced to ensure that workplace harassment/bullying is prevented and controlled.

The Below Listed Policies / Documents Interact with this Policy:

- *Code of Conduct*
- *Discipline and Termination Policy*
- *Out of Hours Conduct Policy*
- *Social Media Policy*



## **WORKPLACE HEALTH AND SAFETY POLICY**

Workplace health and safety is both an individual and shared responsibility under the terms of the *Work Health and Safety Act 2011* (Qld), as amended and varied.

The provision of a safe and healthy working environment is of primary importance to Full Moon Hotel ("Employer").

Full Moon Hotel will strive to provide a work environment that is safe and free from risk to the health and well-being of all employees, contractors, subcontractors, trainees, customers, and other members of the public.

Full Moon Hotel places workplace health and safety as the highest priority. Safety takes precedent over any business objective.

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### **POLICY OBJECTIVES**

The Full Moon Hotel will conduct its activities in accordance with these objectives and provide a work environment that:

- Makes safety a priority for management and staff;
- Ensures exposure to health and safety risks in the workplace are minimised or eliminated where possible;
- Complies with the *Work Health and Safety Act 2011* (as amended or varied), regulations, codes of practice and relevant Australian Standards;
- Actively encourages the reporting of workplace health and safety issues;
- Builds safety awareness and understanding amongst all employees;
- Ensures all employees are provided initial and refresher training as required by current operating procedures and legislative requirements;
- Strives for continuous improvement by actively reviewing industry best practice and applying this to the workplace; and
- Ensures all employees are fit for duty and capable of undertaking their assigned work tasks in a safe manner.

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### **RESPONSIBILITIES**

Workplace health and safety is both an individual and shared responsibility for all managers, supervisors, and employees. Together, managers and employees will endeavour to reach consensus through the process of consultation. Everyone in the workplace has a duty of care to ensure that health and safety responsibilities are met, and this Policy is enacted in this workplace. The following responsibilities are essential to the success of this policy:

#### **Management Commitment**

Managers and supervisors are responsible (within the scope of their authority and area of responsibility) for:

- Ensuring the workplace health and safety of each employee at work;
- Ensuring all new employees are aware of the Workplace Health and Safety requirements;
- Instructing employees in the safe performance of their assigned work activities;

- Actively consulting with all stakeholders in the maintenance of a safe workplace;
- Integrating workplace health and safety into all aspects of the workplace;
- Providing appropriate training and resources to meet the objectives of this Policy;
- Promoting communication about workplace health and safety as a normal component of all aspects of work;
- Ensuring the provision of safe plant, tools and personal protective equipment if required; and
- Taking effective and timely action to address any health and safety issues or risks in the workplace.

### **Employee Commitment**

Employees are responsible for:

- Working, and encouraging others to work, in a healthy and safe manner;
- Cooperating with, supporting and promoting health and safety in the workplace;
- Reporting or rectifying any unsafe conditions that comes to their attention;
- Ensuring compliance with workplace health and safety instructions;
- Using personal protective equipment if the equipment is provided by the Employer and the employee is properly instructed in its use;
- Ensuring they do not wilfully or recklessly interfere with or misuse anything provided for workplace health and safety;
- Ensuring they do not wilfully or recklessly place at risk the health and safety of any person at the workplace;
- Ensuring they do not wilfully injure themselves or others; and
- Ensuring fitness for duty at all times including being well and not being under the influence of drugs or alcohol such that it impairs their ability to safely undertake their duties.

*The Below Listed Policies / Documents Interact with this Policy:*

- *Code of Conduct*
- *Discipline and Termination Policy*
- *Drugs, Alcohol and Smoking Policy*
- *General Conduct Policies*
- *Workplace Harassment / Bullying Policy*