



# BOARD MANUAL

**Sections 3.1 - 3.3: Policies, Staff, Finance**

**Date: 25<sup>th</sup> September 2013**

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## CONTENTS

Content	Page number
<b>3. Policies</b>	<b>3</b>
3.1 Corporate	3
3.1.1 Board Attendance	3
3.1.2 Board Appraisal	6
3.1.3 Board Code of Ethics	11
3.1.4 Board Committees	16
3.1.5 Board Conduct of Meetings	18
3.1.6 Board Confidentiality	22
3.1.7 Board Conflict of Interest	25
3.1.8 Board Dispute Resolution	27
3.1.9 Board Induction	29
3.1.10 Board Recruitment	42
3.1.11 Board Transparency and Accountability	44
3.1.12 Athlete Eligibility	47
3.1.13 Member Protection	49
3.1.14 Anti-Doping	50
3.1.15 Social Media	51
3.1.16 Telecommunication (Meetings)	52
3.1.17 Life Member	54
3.1.18 Nomination	56
<b>3.2 Staff</b>	<b>60</b>
3.2.1 Discrimination & Harassment policy	60
3.2.2 Equal Employment Opportunity guidelines	67
3.2.3 Grievance & Dispute Resolution policy	71
3.2.4 Occupational health and safety policy	75
3.2.5 Injury / Incident policy	79
3.2.6 Managing staff performance policy	83
3.2.7 Terms of employment	89
3.2.7.1 Annual leave	89
3.2.7.2 Compassionate leave	93
3.2.7.3 Long service leave	96
3.2.7.4 Parental leave	98
3.2.7.5 Performance review policy	102
3.2.7.6 Separation - Dismissal	106
3.2.7.7 Separation- Redundancy	117
3.2.7.8 Separation- Resignation	127
3.2.7.9 Sick leave	133
3.2.7.10 Time in Lieu Policy	137
3.2.7.11 Unpaid Leave	139
<b>3.3 Finance</b>	<b>144</b>
3.3.1 Claims and expenses reimbursement	144
3.3.2 Cheque authorisation	147

## 3. Policies

### 3.1 Corporate

#### 3.1.1 BOARD ATTENDANCE

##### Introduction

Regular attendance at Deaf Sport Australia's Board and committee meetings is essential in order to maintain continuity and cohesion in the management and governance of the organisation.

##### Purpose

This board attendance policy is intended to encourage regular attendance at Deaf Sport Australia's board and committee meetings and to provide procedures to deal with any failures in such attendance.

##### Authorisation

Print name:

Signature

*President*

Deaf Sport Australia

**Policy**

Board and committee members are expected to demonstrate their commitment to the organisation by unbroken attendance at the board or committee on which they sit except when prevented by unforeseeable events.

## **Procedures**

The Manager shall notify members of forthcoming meetings no sooner than 21 working days before the set date of the meeting.

Where board members are prevented from attending any board meeting, they should notify the Chair (President) and Manager of their intended absence.

Where a meeting is arranged to be held either in the form of a teleconference or online, the Chair should notify members accordingly. Participation in these meetings shall be equivalent to attendance at a regular meeting.

## **Attendance requirements**

If a board member is absent for two consecutive meetings without first notifying the chair of their absence, or if a board member is absent for three consecutive meetings having notified the chair of their absence, that board member is in breach of their obligations and is liable to be removed from the board, subject to the following processes.

Prospective members of the board shall be issued with copies of the attendance policy and asked to commit themselves to observing its terms.

## **Process**

- If a board member is in breach of their attendance requirements then the chair shall consult them to discuss this matter.

- If the board member's difficulties are resolvable, then the chair shall attempt to resolve them.
- If no mutually satisfactory resolution is possible, and if the board member wishes to continue on the board, then the member's response will be put to the board at its next meeting. The board member shall be entitled to speak to this item, and to vote on it. The board will then decide what actions to take regarding that board member's future membership on the board.
- If the board decides that termination is justified, the board may suspend that person's membership of the board. In the event the member wishes to continue in his or her position, the suspension shall be put to a general meeting for approval. The suspended member shall be given an opportunity to be heard, either personally or through a representative, and may submit materials in writing to be circulated.
- The board may remove any person from any board sub-committee for any reason, including (but not limited to) non-attendance.
- When any person has been removed from the board or from any committee under this provision, the board or committee will promptly initiate a process to recruit a new board member. The person whose membership has been terminated shall retain the right to stand again at the next election for the board.

### **Responsibility**

It is responsibility of the board chair to monitor the attendance of each member and to issue warning as appropriate.

## 3.1.2 BOARD APPRAISAL

### Introduction

In order to maintain a high standard of contribution to Deaf Sports Australia, an annual individual and group based board appraisal must be conducted.

### Purpose

Deaf Sports Australia endeavors to maintain a highly effective, motivated and efficient board that represents the best interests of the organization. In order to ensure this commitment, an annual appraisal should be conducted to gauge board members' roles.

### Authorisation

Print name:

Signature

*President*

Deaf Sport Australia

## Deaf Sports Australia BOARD APPRAISAL - INDIVIDUAL

### Rating Scale

1	2	3	4	5	6	7	8	9	10
Non Performance		Performing below expectation		Adequately performing to expectation		Competently performing to expectation			Exceeding expectation  ("best practice")

### IN ASSESSING YOUR CONTRIBUTION AS AN INDIVIDUAL OF THE DEAF SPORTS AUSTRALIA BOARD ARE YOU:

Key Accountabilities	Behaviours	Rating (1-10)	SUGGESTED STRATEGIES TO ASSIST IMPROVE/MAINTAIN MY RANKING
Due Diligence	Acting with care and diligence?		
	Board members have an independent mind and inquisitive style.		
	Have the courage to challenge the status quo. A preparedness to explore issues rigorously - to be able to 'disagree without being disagreeable'.		
	Can work collaboratively while remaining forthright and decisive.		
Planning	Contributing to the development of a strategic vision?		
	Ensuring risks are identified?		
	Reporting on issues and trends affecting our industry?		
	Familiar with the achievements of our associated teams?		
Meetings	Board members read Board papers, ask questions before Board meetings and not solely at Board meetings.		
	Are happy to shoulder the responsibility attaching to a governance position.		
	Are prepared to contribute their experience to the Board and the organisation.		
	Attending and actively participating and contributing constructively to Board discussions?		

Key Accountabilities	Behaviours	Rating (1-10)	SUGGESTED STRATEGIES TO ASSIST IMPROVE/MAINTAIN MY RANKING
Group dynamics	Working as a member of a team?		
	Responding to requests from the President when assistance is required?		
Stakeholder Management	Aware of whom our stakeholders are?  Ability to understand and respond to stakeholders.		
Networks	Establishing and nurturing networks that might benefit the DSA?		
Representations	Volunteering from time to time to assist with DSA projects and events?		
	Represent DSA at events and are able to command respect on behalf of the organisation and Board		



## DEAF SPORTS AUSTRALIA BOARD APPRAISAL - GROUP

### Rating Scale

1	2	3	4	5	6	7	8	9	10
Non Performance		Performing below expectation		Adequately performing to expectation		Competently performing to expectation			Exceeding expectation

### IN ASSESSING OUR EFFECTIVENESS AS A DEAF SPORTS AUSTRALIA BOARD COLLECTIVELY DO WE:

Key Accountabilities	Behaviours	Rating (1-10)	SUGGESTED STRATEGIES TO ASSIST IMPROVE/MAINTAIN RANKING
Due Diligence	Adhere to good corporate governance practices?		
Planning	Develop, implement and review a strategic vision?		
	Stay abreast of issues and trends affecting our industry?		
	Ensure succession plans are in place for the Board?		
	Manage the relationship between the DSA Board and Australian Sports Commission effectively?		
Meetings	Address issues that require most attention during our meeting time together?		
Group dynamics	Communicate and work effectively as a group?		
	Understand the change process? Board members have the capacity to interact constructively and respectfully with others and work effectively with Board peers and other internal and external stakeholders.		
Financial Management	Ensure there is accurate financial reporting on the organisation?		

Key Accountabilities	Behaviours	Rating (1-10)	SUGGESTED STRATEGIES TO ASSIST IMPROVE/MAINTAIN RANKING
	Ensure there is general legal compliance?		
Risk Management	Ensure risks are identified and managed?		
Human Resource Management	<p>Appraise the General Manager? Board members have the capacity to develop effective relationships with management; are seen as trusted and positive contributors, interested but non-interfering.</p> <p>Respectful of management's accountabilities but insistent upon the Board's need to know</p>		
Stakeholder Management	Promote and utilize our stakeholders effectively?		
Networks	Assist the General Manager in identifying and maximizing opportunities for DSA?		
Representations	Ensure DSA is represented at events?		

## 3.1.3 CODE OF ETHICS

### Introduction

The Board of Deaf Sports Australia is committed to ethical conduct in providing the best possible service to the community. This policy has been developed to provide an ethical framework for all Board Members, Staff and Volunteers at the organisation.

This policy applies to the Committee of Management/Board, casual, permanent and contract staff and volunteers.

### Purpose

The purpose of this document is to identify DSA's position on ethics and proper practice and to document the standards expected in providing a service to the community.

### Authorisation

Print name

Signature

*President*

Deaf Sports Australia

### Policy

The Board and staff of Deaf Sports Australia have a legal and moral responsibility to manage the organisation in the best interests of the community it serves.

Board and staff will demonstrate professional ethical behaviour at all times - in their responsibilities to the organisation, in their professional relationships with each other, and in their professional service to the community - and will be required to adhere to this code of ethics.

**The Board shall:**

- Be diligent, attend Board meetings and devote sufficient time to preparation for meetings to allow for full and appropriate participation in the Board's decision-making.
- Observe confidentiality relating to non-public information acquired by them in their role as Board Members and not disclose such information to any other person.
- Meet regularly to monitor the performance of management and the organisation as a whole. To do this the Board will ensure that appropriate monitoring and reporting systems are in place and that these are maintained and utilised to provide accurate and timely information to the Board. [Refer to ***Governance Policy*** for more information.]
- Ensure there is an appropriate separation of duties and responsibilities between itself and senior management and that no individual has unfettered powers of decision-making. [Refer to ***Governance Policy, Board and Staff Responsibilities document*** and ***Financial Delegations to Staff*** for related information.]
- Ensure that the independent views of Board members are given due consideration and weight.
- Ensure that stakeholders are provided with an accurate and balanced view of the organisation's performance, including both financial and service provision.
- Regularly review its own performance as the basis for its own development and quality assurance. Individual Board Members should also review their own performance with a view to ensuring a suitable contribution to Board deliberations and decision-making and, if found lacking, should either pursue training or assistance to improve their performance, or resign.
- Carry out its meetings in such a manner as to ensure fair and full participation of all Board members.

- Ensure that the organisation's assets are protected via a suitable risk management strategy.
- Ensure that personal and financial interests do not conflict with the duty to the organisation. [Refer to *Conflict of Interest* for more information.]

(Continued)

**Staff (paid and unpaid) shall:**

- Publicly and privately support the organisation and each other, acknowledging the strengths and weaknesses of others and acting with courtesy and respect.
- Act honestly and in good faith at all times in the interests of the organisation and objects, ensuring that all stakeholders, particularly those who are recipients of services, are treated fairly according to their rights.
- Perform their duties as best they can, taking into account their skills, experience, qualifications and position. They shall act in a safe, responsible and effective manner.
- Be punctual and reliable in their attendance and adhere to their prescribed and authorised hours of duty.
- Comply with the prescribed terms and conditions of their employment/engagement.
- Record their attendance for duty in the manner prescribed.
- Notify the organisation of any inability to attend duty as early as possible so as not to inconvenience others or delay the work of the organisation.
- Carry out their duties in a lawful manner and ensure the organisation carries out its business in accordance with the law, and recognise both legal and moral duties of their role.
- Respect and safeguard the property of the organisation, the public and colleagues; and observe safe work practices so as not to endanger themselves or others. [Refer to *Occupation Health and Safety Policies* for more information.]

- Maintain confidentiality regarding any information gained through their work and not divulge personal information or the address or phone numbers of Staff, Board or service users. [Refer to *Privacy Policy* for additional information.]
- Ensure that all transactions, agreements and records that flow from relationships with Deaf Sports Australia's stakeholders will be accurately and openly recorded in the organisation's books and records, and no entries will be made which obscure the true nature of a transaction.
- Ensure that Deaf Sports Australia will market its services with integrity and accuracy.
- Ensure that personal and financial interests do not conflict with the duty to the organisation.
- Undertake no personal or business activities for personal gain while at the organisation or while conducting business of the organisation: procedures associated with such activities will not be carried out on the organisation's computers without open and express permission of a higher authority.
- Work within the organisation's policies and principles.
- Discuss issues where appropriate with other staff and Board members to determine whether or not a contemplated action is ethical.

## **Responsibility**

The Manager is responsible for the implementation and review of this policy.

All Committee of Management/Board members, casual, permanent and contract staff and volunteers are responsible for adhering to all applicable clauses.

## **Related Documents**

Governance Policy

Board and Staff Responsibilities document

Financial Delegations to Staff

Occupational Health and Safety Policies

Privacy Policy

Conflict of Interest Policy

### **3.1.4 COMMITTEES**

Purpose

To give direction on the policy and procedures relating to the formation of Board committees, sub-committees or ad hoc committees.

**Authorisation**

Print Name

Signature

*President*

Deaf Sports Australia



## Policy

The Board of Deaf Sports Australia recognises that there are times when a committee can act more effectively than can the full Board. As a general rule, the Board will establish committees only in response to its own work. There will be a minimum of standing committees.

1. The Board has the authority to establish both standing committees, sub-committees and ad hoc committees to assist it in its work.
2. The Board shall clearly define the terms of reference of each committee, including their membership, roles, procedures and functions, and the boundaries of their authority.
3. Boards may from time to time co-opt non-Board members to serve on a committee in order to bring additional skills, experience or networks.
4. Committees cannot exercise authority over staff nor shall they delegate tasks to any staff unless the Executive Director has specifically agreed to such delegations.
5. All ad hoc committees shall be dissolved by Board resolution once they have completed their work and if requested, have provided a written report to the Board.
6. All sub-committees shall review their terms of reference annually, including their membership and the results of their work and so report to the Board.
7. Unless explicitly empowered by the full Board, committees cannot make binding Board decisions. For the most part the function of committees is to solve problems for and/or make recommendations to the Board on which the latter, and only the latter, has the power to make decisions or policy.
9. The Manager is ex-officio on all Board committees.

## Definitions

*Committee* - Includes any committees formed by the Board, including sub-committees and ad hoc committees.

## 3.1.5 CONDUCT OF MEETINGS

### Introduction

Meetings are necessary in order that Deaf Sports Australia can be governed efficiently under its constitution.

Wide consultation with all stakeholders and with different points of view and wide discussion of basic issues are a necessary support for good decision-making and should be encouraged. They do not necessarily, however, have to take place in the board meeting itself.

The chairship (President) of the board is an elected position, and that election should confer a wide discretion on the elected candidate to ensure that the conduct of business runs smoothly.

### Purpose

This policy is designed to

- identify a minimum set of conditions that will allow necessary decisions to be taken efficiently and if possible expeditiously
- assign discretion to rule on matters not covered

### Policy

The conduct of meetings within Deaf Sports Australia shall be governed by the standing orders of the board or committee concerned (for the board's standing orders, see Appendix 1).

### Procedures

1. The chair of the organisation shall be elected as laid down in the organisation's constitution/rules.
2. The board chair shall chair the meetings of the board according to the standing orders of the board.

### Responsibilities

The board chair shall chair the meetings of the board according to the standing orders of the board, taking account of both the need for efficiency and the importance of accountability. The secretary shall maintain a record of the board's standing orders, including any amendments made by the board from time to time.

The secretary shall prepare the agenda for every board meeting in consultation with the chair and shall circulate the agenda and any meeting papers to board members before the meeting.

### Authorisation

Signature of Governance Director

Print Name

Date

## **Appendix 1: Sample Standing Orders**

### **Election of office bearers**

Officers of Deaf Sports Australia shall be elected by the method specified in the organisation's constitution. The officers shall hold their office from the time of the declaration of the polls following any election for the position.

Where election of a vice-chair is not specified in the constitution, the position shall be filled by an election among board members.

The mode of election in any election shall be by ballot.

### **Notice of Meeting**

The chair shall ensure that all board members have 14 days notice of the date, time and place of the next meeting.

Minutes of any meeting of the board shall be circulated to all members before the scheduled date of the next meeting. The minutes shall record

- the date, time and venue of the meeting;
- the names of those members and officers present;
- the name of the chairperson;
- any apologies tendered;
- any failure of a quorum;
- a list of items considered;
- any resolutions pertaining to those items; and
- details of any declarations of pecuniary interest.

Any other matters may be recorded at the discretion of the chair.

Ordinary meetings of the board shall be held at the dates, times, and places decided by the board from time to time, except that four meetings shall be held in any one year.

A special meeting of the board shall be called at any time at the request of no fewer than three board members. Fourteen days notice must be given of any such meeting. Where possible, an agenda and any supporting papers should be circulated with the notice of meeting.

### **Quorum**

The quorum for any board meeting shall be as laid down in the constitution. The quorum for the meeting of any other committee shall be as laid down in the committee's terms of reference, or if not there specified shall be as adopted by the committee.

At any point after the opening of a meeting any member of the board may call attention to the lack of a quorum. The meeting shall then terminate.

### **Voting**

The chair must receive and to put to a vote any properly seconded motion moved by any member of the board, including motions dissenting from decisions by the chair.

The mode of voting (show of hands, ballot, etc.) shall be as determined by the chair from time to time.

Members of the board may vote for any motion or may abstain. A motion shall be declared carried if a plurality of members present (that is, a majority of members present and voting) vote in its favor. In the event of an equality of votes for and against a motion, the chair shall have no casting vote.

### **Members' Interests**

No members shall vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public, or with the clients of the organisation, or with the staff of the organisation.

Every member present when any matter is raised on which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure, and any subsequent abstention of such member from discussion and voting on the item, are to be recorded in the minutes.

### **Speaking**

Members may speak to any motion when granted the right to speak by the chair.

The chair shall grant priority to members who express an intention to move dissent with a decision of the chair.

In speaking to any motion or amendment, members are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chair's ruling is final and not open to challenge.

### **Amendment**

The board may amend these standing orders at any time either permanently or for a specified period.

### **Other matters**

The chair is to decide all questions where these standing orders make no provision or insufficient provision.

## 3.1.6 BOARD CONFIDENTIALITY

### Introduction

Deaf Sport Australia is committed to openness, transparency, and accountability. Its policies shall reflect its wish to release all information it holds as far as this is consistent with the protection of individual privacy, the effective management of its business, and relevant legislation.

### Purpose

This board confidentiality policy is intended to regulate the release or retention of board material by board members.

### Authorisation

Print Name

Signature

*President*

Deaf Sport Australia

## Policy

Board members shall be authorised to release to any person any material other than confidential material obtained in the course of their service as a board member where such release is in accordance with the requirements of any applicable legislation and where such release is consistent with the organisation's Media Relations Policy.

## Procedures

The board shall review and approve the confidentiality policy of the organisation as a whole.

The board shall decide from time to time whether any or all of its agendas, minutes, or papers, or those of its sub-committees (not otherwise required by legislation, regulation, or its rules to be made public) shall be made public. Where no express decision has been recorded the assumption shall be that the material is not confidential.

On those occasions and for those matters that the board elects not to make public, board members shall respect the confidentiality of those documents and of any deliberations in the board on those matters.

In particular, board members shall not

- disclose to any member of the public any confidential information acquired by virtue of their position as a board member;
- use any confidential information acquired by virtue of their position on the board for their personal financial or other benefit or for that of any other person;
- disclose to any member of the public any confidential information related to the interests of individuals, groups or organisations acquired by virtue of their position on the board;
- make statements to the media in the name of the organisation except as specified in the board's Media Relations policy; or
- permit any unauthorised person to inspect or have access to any confidential documents or other information.

The obligation to protect such confidential matters from disclosure continues even after the individual board member is no longer serving on the board.

The board shall decide from time to time whether any observers shall be permitted to attend any or all of its meetings. Where appropriate, observers may be admitted subject to their undertaking to maintain confidentiality.

Where appropriate, information identifying individuals may be removed by the chair from material before its consideration by the board.

### **Responsibility**

It is responsibility of the board chair to ensure that board materials are appropriately classified as confidential or open to release.

### **Related Documents**

- Media Relations Policy

**3.1.7 BOARD MEMBER CONFLICT OF INTEREST**

GENERAL NOTICE

- All DSA Directors to declare any potential conflict of interest that could arise out of their current employment position or vested interest in any agenda items put to the Board or related meetings.

Name of Member \_\_\_\_\_

Issue of Conflict \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BOARD OR RELATED MEETING CONFLICT OF INTEREST

- Note the disclosure of the conflict of interest and the decision of the Board on how to deal with this conflict.

Record Response \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Ensure that the minutes record the declaration of interests declared at this meeting

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

Signed (Chair) \_\_\_\_\_ Position \_\_\_\_\_



Member	Position
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## **Introduction**

The Board of Deaf Sports Australia is committed to reaching a speedy and just resolution of any disputes or grievances that may arise and that may threaten the harmonious functioning of the Board.

## **Purpose**

This policy is designed to set out the process for resolution of disputes or grievances involving the Board.

## **Authorisation**

Print Name

Signature

*President*

Deaf Sports Australia

## Policy

The Board of Deaf Sports Australia is committed to reaching a speedy and just resolution of any disputes or grievances that may arise and that may threaten the harmonious functioning of the Board. All Board members will follow the procedures set out below.

This policy refers to disputes:

- Between Board members
- By a member regarding a Board process
- By a member regarding a resolution of the Board.

## Procedures

1. The dispute must be articulated in writing and sent to the Chair. The Chair must acknowledge receipt of this document within two days.
2. The Chair will use his/her discretion to bring the issue to the next ordinary Board meeting or call an extraordinary meeting.
3. When raised at the Board Meeting all people involved in the dispute will be given the right to be heard.
4. The matter should be heard with all Board members present, unless they have advised in writing that they are aware there is a dispute resolution meeting being held and they are unable to attend.
5. The Chair will call for a motion from the Board e.g. to seek further legal advice, to dismiss the complaint. The motion will be voted on by all members present at the meeting.
6. A Board decision may be reviewed where:
  - New information has come to light that was not available when the original decision was made.
  - The Board has become aware of an error in previous information that was used to make the decision.
  - A Board member did not feel able to present his/her case.

## Related Documents

Code of Ethics

## **Introduction**

The effective operation of any organisation relies on its Board, and the effective operation of the Board relies on all its members having a full command of the necessary information and expertise.

## **Purpose**

This policy seeks to ensure that new members of the Board are provided with all the information and training necessary to enable them to contribute appropriately to the operations of the Board from the time of their election.

## **Policy**

New Board members shall be provided with all the information and training necessary to enable them to contribute appropriately to the operations of the Board.

## **Procedures**

### **1. Initial Contact**

As soon as possible after the Board has confirmed the appointment of a new member the DSA President shall make contact with the new member to let them know the outcome. The President will write a letter of congratulation and welcome.

### **2. Board Manual**

The DSA Manager shall forward to the new member a copy of the group's Board Manual. The manual will serve as an initial introduction to the group as well as an ongoing reference. It should include:

- any necessary background information about the group;
- relevant organisational documents such as the Mission Statement, constitution/rules, strategic plan, policies, current year-to-date budget, and the most recent annual report;
- basic biographical and contact information about Board members, and staff (if appropriate);
- meeting schedule and calendar of upcoming events;
- introduction to the group's operational and committee structure;
- information about the Board and Board members' roles and responsibilities.

### **3. Introductions**

The Manager shall introduce the new member to other members of the Board (and senior staff, if appropriate) as soon as possible after their

appointment and seek to involve the member socially in Board activities by organising drinks or dinner and inviting them to social functions.

The Manager shall nominate a member of the Board to act as mentor to the new member.

#### 4. Roles and Responsibilities

The Manager shall

- draw the new member's attention to the roles and responsibilities of the Board in general, and the roles and responsibilities they will be expected to undertake as an individual.
- discuss any concerns they may have

#### 5. Briefing

The President shall take the new member through the minutes of recent meetings and brief them on the issues the Board is dealing with at the moment, or will be looking at in the future.

#### 6. Tour

The President shall invite the new Board member to take a tour of the organisation's facilities and introduce them to staff, volunteers, members and the beneficiaries of the group's services.

The President shall show the new member where the Board meets, where to park their car or access transport, where the kitchen is, where the toilets are, where the photocopier and other office equipment is (and the rules for its use).

### Responsibilities

It shall be the responsibility of the Board to appoint a Manager. It shall be the responsibility of the Manager to ensure that the materials specified in this policy are prepared and copied and to ensure that the procedures specified in this policy are implemented appropriately.

### Authorisation

Signature of Policy Officer:

Name of Policy Officer:

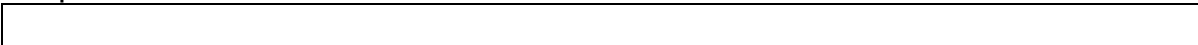
Date:

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## Index

(Continued) .....	13
<i>Staff (paid and unpaid) shall:</i> .....	13
Introduction .....	18
Purpose .....	18
Policy .....	18
Procedures .....	18
Responsibilities .....	18
Authorisation .....	18
Introduction .....	28
Purpose .....	28
Policy .....	28
Procedures .....	28
1. Initial Contact As soon as possible after the Board has confirmed the appointment of a new member the DSA President shall make contact with the new member to let them know the outcome. The President will write a letter of congratulation and welcome. ....	28
2. Board Manual The DSA Manager shall forward to the new member a copy of the group's Board Manual. The manual will serve as an initial introduction to the group as well as an ongoing reference. It should include: .....	28
· any necessary background information about the group; .....	28
· relevant organisational documents such as the Mission Statement, constitution/rules, strategic plan, policies, current year-to-date budget, and the most recent annual report; .....	28
· basic biographical and contact information about Board members, and staff (if appropriate); .....	28
· meeting schedule and calendar of upcoming events; .....	28
· introduction to the group's operational and committee structure; .....	28
· information about the Board and Board members' roles and responsibilities. ....	28
3. Introductions The Manager shall introduce the new member to other members of the Board (and senior staff, if appropriate) as soon as possible after their appointment and seek to involve the member socially in Board activities by organising drinks or dinner and inviting them to social functions. The Manager shall nominate a member of the Board to act as mentor to the new member....	28
4. Roles and Responsibilities The Manager shall .....	29
· draw the new member's attention to the roles and responsibilities of the Board in general, and the roles and responsibilities they will be expected to undertake as an individual. ....	29
· discuss any concerns they may have .....	29
5. Briefing The President shall take the new member through the minutes of recent meetings and brief them on the issues the Board is dealing with at the moment, or will be looking at in the future. ....	29

6. Tour The President shall invite the new Board member to take a tour of the organisation's facilities and introduce them to staff, volunteers, members and the beneficiaries of the group's services. ....	29
The President shall show the new member where the Board meets, where to park their car or access transport, where the kitchen is, where the toilets are, where the photocopier and other office equipment is (and the rules for its use). ....	29
Responsibilities .....	29
Authorisation .....	29
1. Object .....	32
2. Company Overview .....	32
3. Board of Directors .....	32
4. Business Structure .....	37
5. DSA - The Company .....	37
6. Contact .....	38
Introduction.....	40
Purpose .....	40
Policy .....	40
Procedures .....	40
Responsibilities .....	41
Related Documents .....	41
Authorisation .....	41
Introduction.....	42
Purpose .....	42
Policy .....	42
Procedures .....	43
Requests for access .....	43
Responsibilities .....	44
Related Documents .....	44
Authorisation .....	44
Introduction.....	56
Policy .....	57
Definitions.....	58
Responsibility .....	58
Procedures .....	59
Policy .....	64
Definitions.....	65
Responsibility .....	65
Procedure .....	66
Definitions.....	76
Procedure .....	77
Responsibility .....	80
Procedure .....	81
Unfair Dismissal .....	107
Attachments .....	108
Policy .....	115
Responsibilities .....	115
Redundancy Procedure .....	116
Introduction.....	130
Policy .....	131
Responsibilities .....	131



## 1. Object

This program has been designed for the purpose of inducting new directors of Australian Deaf Sports Federation Ltd (trading as Deaf Sports Australia; “DSA”). It provides a summary of the Board, sub-committees, the business and its activities to assist you to become effective in your role.

## 2. Company Overview

Deaf Sports Australia (DSA) is a vibrant organisation focussed on facilitating the access of deaf and hard of hearing people to the best sporting opportunities available in Australia.

DSA is the peak body for deaf sport in Australia and we currently have a National and State based sports structure. The current membership of DSA is complex due largely to a number of sports attempting to form, the NDSOs and States having affiliates and members that are independent of DSA and similarly, individual members who are often not affiliated to an NDSO or State.

## 3. Board of Directors

The Board of Directors of DSA are charged with broad objective of ensuring the legal, moral and effective running of the business is held with the sights of the vision and strategic plan.

The Board has reserved the following matters for its decision:

- appointments to the position of CEO or Director and approval of the appointment of executives reporting to the CEO or Director;
- approval of strategy and annual budgets;
- determination of capital and non-capital items in accordance with the approvals framework; and



- determination and adoption of documents (including the publication of reports and statements to stakeholders) that are required by the Company's constitutional documents, by statute or by other external regulation.

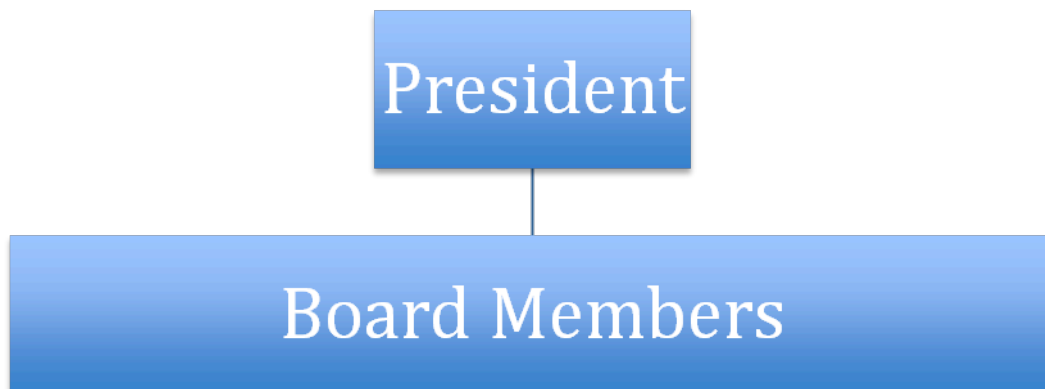
Subject to the limitations imposed by the Company's constitutional documents, statute and other external regulation, the Board remains free to alter the matters reserved for its decision.

The Board has established a number of Portfolios to assist in the execution of its responsibilities, and has delegated some of its responsibilities to the Portfolios. The Portfolios assist the Board by focusing on their specific activities, fulfilling their roles and responsibilities, reporting to the Board on decisions and actions taken, and making any necessary recommendations. This is explained further in the following point, Sub-Committees.

The Board has delegated responsibility for managing DSA's day-to-day affairs to the Chief Executive Officer (CEO) or Director, and, through him/her, executive management and staff. Executive management is made up of individuals and ad hoc committees. The Board of Directors and key staff and their respective roles are set out below.

### ***Board of Directors***

The Board of Directors (BoD) brings together the leader of each Portfolio to provide input into the strategic direction of the Company. In addition, the BoD has a communications and influencing role across the Company and its Portfolios.

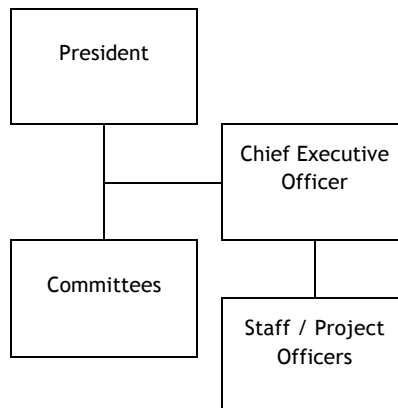


NB: The CEO is also present at all meetings of the BoD to offer information and advice towards the day-to-day aspects of the Company. The CEO is not a member of the BoD and can therefore not vote or contribute as a member.

### ***Office of the Chief Executive***

The Chief Executive Officer or Director has three key functions:

- to make recommendations to the Board in respect of certain matters on which the Board must make decisions;
- to review corporate strategy and performance; and;
- to exercise the authority delegated to it.



## ***Finance and Administration***

### **Role**

To assist the Board by focusing on the following activities, reporting to the Board on decisions and actions taken, and meeting any necessary recommendations:

- the integrity of financial statements;
- the appointment, reward, and performance of the external auditor, and the integrity of the audit process as a whole;
- the effectiveness of the systems of internal control and risk management;
- the provision of accurate and effective governance, in compliance with all legislative requirements; and
- the performance and leadership of the internal audit function.

There is no sub-committee for the Finance and Administration Portfolio. The Chair will work with the CEO and report directly to the BoD.

## ***Funding***

### **Role**

To assist the Board by focusing on the following activities, reporting to the Board on decisions and actions taken, and meeting any necessary recommendations:

- Maximise corporate sponsorship and budget relieving in-kind support for the DSA Programs.
- Identify suitable funding opportunities from Government and agencies to support the DSA office and programs.

## ***Members and Community***

### **Role**

To assist the Board by focusing on the following activities, reporting to the Board on decisions and actions taken, and meeting any necessary recommendations:

- Provide face-to-face interaction with the community through a network of presenters and ambassadors
- Work with other portfolios to ensure DSA messages are being taken to members and community to ensure they are aware of our activities.

- Work closely with our member states and sports to ensure they are compliant with the DSA vision and strategies, as well as legal and ethical requirements

## ***Events***

### **Role**

To assist the Board by focusing on the following activities, reporting to the Board on decisions and actions taken, and meeting any necessary recommendations:

- Ensure DSA conduct effective events that provide revenue and eliminate risk
- Provide DSA with opportunities to present sponsors and reward volunteers/VIPs through the staging of events
- Create events that generate revenue to benefit the sustainability of DSA's programs

## ***Sport***

### **Role**

To assist the Board by focusing on the following activities, reporting to the Board on decisions and actions taken, and meeting any necessary recommendations:

- Dedicate all activities into categories; High Performance and Participation

### **High Performance**

- Monitor the development of all sporting activities equal to and better than deaf state championship level
- Ensure clear pathways are established to enable deaf people to access sport at elite levels
- Develop relationships with key stakeholders to provide access and assistance
- Use the Deaflympic Games as the timeline bookends

**HPAC sub committee to be reviewed**

### **Participation**

- Assist NSOs and state deaf associations to conduct activities to encourage participation
- Develop resources to assist hearing clubs and associations to facilitate deaf access
- Encourage former elite athletes to continue in deaf sport through coaching, administration or as a mentor

## ***Communications and Public Relations***

### **Role**

To assist the Board by focusing on the following activities, reporting to the Board on decisions and actions taken, and meeting any necessary recommendations.

- Maximise the positive exposure of DSA and its programs through media and other communication mediums
- Provide leadership to the DSA structure on presenting DSA publicly in a positive light
- Service the needs of media and public for up-to-date and news relevant information

### **4. Business Structure**

Our business is organised around advocating, advice, support and facilitation of deaf within sporting opportunities rather than provide sporting the sport product, and comprises of:

1. Continually educating and supporting the mainstream sporting structure to make it deaf friendly and capable of including deaf and hard of hearing people within the structure.
2. Encouraging the deaf and hard of hearing communities to access their regular sporting activity through the existing mainstream sporting structure.
3. Conducting select deaf specific sporting events where appropriate.
4. Ensuring DSA has a sustainable governance and management approach to support its mission and vision over time.

### **5. DSA - The Company**

This is essential material to further educate you about the Company. You may have already received some of this as part of your due diligence process. The Essential Information in each section is available on the DSA website <http://www.deafsports.org.au/regulations/index.php>

This part of the program is organised into three sections:

SECTION A: Corporate Governance

SECTION B: Nature and business of the Company

SECTION C: Key relationships

## **SECTION A: Corporate Governance**

- Articles of Association of Australian Deaf Sports Federation Ltd  
([http://www.deafsports.org.au/downloads/ADSF\\_Articles\\_of\\_Association\\_2004.pdf](http://www.deafsports.org.au/downloads/ADSF_Articles_of_Association_2004.pdf))
- Memorandum of Australian Deaf Sports Federation Ltd  
([http://www.deafsports.org.au/downloads/ADSF\\_Memorandum\\_2004.pdf](http://www.deafsports.org.au/downloads/ADSF_Memorandum_2004.pdf))
- Minutes from the 2003 Annual General Meeting  
([http://www.deafsports.org.au/downloads/DSA\\_2004\\_AGM\\_Minutes\\_2003.pdf](http://www.deafsports.org.au/downloads/DSA_2004_AGM_Minutes_2003.pdf))
- Agenda and Annual Report from the 2004 Annual General Meeting  
([http://www.deafsports.org.au/downloads/DSA\\_2004\\_AGM\\_Agenda.pdf](http://www.deafsports.org.au/downloads/DSA_2004_AGM_Agenda.pdf))

## **SECTION B: Nature and business of the Company**

- Deaf Sports Australia's Business Plan
- Brief history of the Company  
(<http://www.deafsports.org.au/aboutus/history.php>)

## **SECTION C: Key relationships**

- Australian Communication Exchange
- Australian Sports Commission
- Deaf Community
- Department of Communication, Information Technology and the Arts
- Education Providers (Deaf/Integrated/Hearing)
- National Deaf Sports Organisations
- National Sports Organisations
- State Deaf Societies
- State Deaf Sports Associations
- State Deaf Sports Associations and Clubs
- State Sport & Recreation Offices
- State Sports Associations

## **6. Contact**

Should you require any of the “additional information” or to organise and discuss possible meetings, please contact the Chief Executive Officer:

Post: Ground floor/340 Albert St, East Melbourne VIC 3002

Telephone: (03) 9473-1191 (voice and TTY)

Facsimile: (03) 9473-1122

Email: [active@deafsports.org.au](mailto:active@deafsports.org.au)

## 3.1.10 BOARD RECRUITMENT

### Introduction

The nomination and selection of Board members is the prerogative of the members of Deaf Sports Australia through the election process. However, given the responsibilities of the Board, there is a need for the Board to have an appropriate mix of expertise and experience. Policies and procedures must facilitate the election of those people who best meet the needs of the Board.

### Purpose

Board members should provide an appropriate mix of skills to provide the necessary breadth and depth of knowledge and experience to meet the Board's responsibilities and objectives. The Board also aims for a composition which will appropriately represent the interests of the various groups contained within the organisation's common bond and which will include a diversity of Australia's peoples.

### Policy

The Board should attempt, using its network of contacts within and without the organisation's membership, to identify appropriate individuals with needed skills and interests as potential Board members. When vacancies arise among the elected Board positions, such individuals should be encouraged to nominate for election. Such individuals may also be appointed by the Board, where the Constitution provides, to vacant Board positions.

### Procedures

1. The Board shall regularly assess its composition by reference to
  - a. Necessary areas of expertise
  - b. The ideal balance between experience and freshness
  - c. Desirable diversity in relevant areas
  - d. Contributions from relevant stakeholders
2. The Board shall identify areas where existing Board composition falls short of the ideal
3. Board members shall attempt to recruit from their networks Board candidates who would fill those gaps.
4. The Board shall collect suggestions from members and shall draw up a list of suitable candidates for the Board, and for Board committees and working parties.
5. Where vacancies occur on the Board or its committees and working parties other than at the expiration of elected terms, appointments shall be made from this list.
6. Before each annual election the Board shall attempt to recruit nominations for the Board from this list.



## Responsibilities

1. It shall be the responsibility of each member of the Board to explore among their networks the possibility of nominating for a position on the Board of the organisation.
2. It shall be the responsibility of the Secretary to draw up and maintain a list of prospective candidates for the Board. All entries on this list shall be reported to the Board.
3. It shall be the responsibility of the Board to ensure that any nominees, candidates, or new members are acquainted with the organisation's purposes, policies, and procedures.

## Related Documents

- Code of Ethics
- Conflict of Interest Policy

## Authorisation

Signature:

Name:

Governance Director

Date:

## 3.1.11 TRANSPARENCY AND ACCOUNTABILITY

### Introduction

Deaf Sports Australia wishes to be proactively concerned with its relationship with its clients, its members, its stakeholders, and the general public. Deaf Sports Australia realises the importance of transparency in its operations, and wishes to withhold from public scrutiny as little of its operations as is possible.

### Purpose

The purpose of this policy is to:

- Indicate which documents and materials produced by the organisation are presumptively open to members and/or the public
- Indicate which documents and materials produced by the organisation are presumptively closed to members and/or the public
- Specify the procedures whereby the open/closed status of documents and materials can be altered.

### Policy

#### 1. Board

1. All board deliberations shall be open to the public except where the board passes a motion to make any specific portion confidential.
2. All board minutes shall be open to the public once accepted by the board, except where the board passes a motion to make any specific portion confidential.
3. All papers and materials considered by the board shall be open to the public following the meeting at which they are considered, except where the board passes a motion to make any specific paper or material confidential.

#### 2. Client Records

1. All client records shall be available for consultation by the client concerned or by their legal representatives.
2. Subject to provision 2.1, no client records shall be made available to any other person outside the organisation.
3. Within the organisation, client records shall be made available only to those persons with responsibilities for that client, except that
4. Client records shall be made available to the board when requested but should be where possible rendered anonymous.

#### 3. Staff Records

1. All staff records shall be available for consultation by the staff member concerned or by their legal representatives.

2. Subject to provision 2.1, no staff records shall be made available to any person outside the organisation.
3. Within the organisation, staff records shall be made available only to those persons with managerial or personnel responsibilities for that staff member, except that
4. Staff records shall be made available to the board when requested.

#### ***4. Member and Donor records***

1. All member and donor records shall be available for consultation by the members and donors concerned or by their legal representatives.
2. Subject to provision 2.1 no member and donor records shall be made available to any other person outside the organisation.
3. Any member shall be entitled to receive on request a list of members with contact addresses.
4. Within the organisation, member and donor records shall be made available only to those persons with managerial or personnel responsibilities for dealing with those members and donors, except that
5. Member and donor records shall be made available to the board when requested.

#### ***5. Administrative records***

1. All records and materials not falling into the categories above may be released to the public at the discretion of the Manager, who shall take into consideration
  - a. a general presumption in favour of transparency
  - b. the relevant provisions of the Associations Incorporation Act regarding information to be made available to members
  - c. the marketing, commercial, legal, and administrative interests, priorities, and resources of the organisation, including
    - \* commercial confidentiality
    - \* copyright issues
2. The Manager may at their discretion charge any applicant the full costs of providing the information requested.

### **Procedures**

#### **Requests for access**

1. Any request for access to records or materials shall be made in the first instance to the organisation's Manager.
2. Where requests are made for client files or staff files by any person not the client or staff member, the Manager shall inform the client or staff member and allow them to make any submissions they wish.
3. The Manager may, where appropriate, consult with the Board.

#### ***Procedures and charges for access***

1. Requests from members under section 4.3 shall be subject to no charges, and the names and addresses of members shall be given in hard copy format and (where available) in electronic format.
2. For all other requests, the Manager shall allow access to approved organisation records and materials under such conditions and according to such arrangements as they see fit.

3. Where the request for information is on such a scale or of such difficulty that it would impose an unreasonable burden on the organisation's resources, the Manager shall impose such charges as they see fit.

### ***Record keeping***

1. The Manager shall report to every meeting of the board on the number, nature and outcome of requests for records or materials since the previous meeting.
2. The Manager shall ensure that membership applicants and prospective clients are aware of and consent to the organisation's Access to Information Policy.

### **Responsibilities**

1. The board shall nominate an Manager to be responsible for ensuring that proper procedure for the classification and release of information is adhered to.
2. The responsibilities of the Manager shall be as described above.

### **Related Documents**

None

### **Authorisation**

Signature

Print Name

Manager

Date

## 3.1.12 Athlete Eligibility Policy

### “Passion through sport”

To facilitate and support the participation of deaf Australians in all levels of sport

#### Purpose:

The purpose of this policy is to provide a uniform set of eligibility criteria for all deaf athletes governed by DSA to ensure fair competition for all.

#### Application

The policy applies to athlete participation in national events approved by DSA and international events approved by ICSD. All members of DSA will be required to follow this policy.

#### Assessment

All athletes must submit an audiogram from a qualified audiologist to DSA. A DSA appointed audiologist will assess each athlete according to their three frequency average hearing loss (3FAHL) in the better ear and assign a classification.

#### Classifications Hearing Loss Eligibility

Code	Hearing Level Loss	Eligibility
AU0	0 – 39 dB 3FAHL	Not eligible to compete in DSA or ICSD approved events
AU1	40 – 54 dB 3FAHL	Eligible to compete in DSA approved events (eg: Australian Deaf Games, National Championships)
AU2	55 dB or more 3FAHL	Eligible to compete in DSA approved events (e.g. ADG, National Championships) and ICSD approved events (eg: Deaflympics, World Championships)

#### Availability

A database of athlete eligibility will be maintained by DSA and made available to members on request.

#### Assistive Devices

No assistive hearing devices (such as hearing aids, cochlear implants, etc) are permitted to be worn by athletes during competition in any DSA or ICSD approved events.

#### Compliance

Any individual athlete found in breach of this policy will be disqualified and subject to DSA disciplinary procedures. If the individual athlete was competing in a team event, the whole team will be disqualified and subject to DSA disciplinary procedures. Any member of DSA found in breach of this policy will be subject to DSA disciplinary procedures.

#### Further Information

- If you have any questions on this policy, please contact the DSA Office.

### 3.1.13 Member Protection Policy

For national member protection policy please see attached file '*Member Protection Policy*' or visit the website for the online document.

Item location:

Desktop/DSA Network/Manager/Board Manual & Policies/Board Manual/Individual Policy Compilation (as of June 2013)/Member Protection Policy

Website location:

<http://www.deafsports.org.au/policies-and-documents>

### 3.1.14 Anti-Doping Policy

For the policy regarding anti-doping in sport please see the attached file '*Anti-doping policy*' or visit the website for the online document.

Item location:

Desktop/DSA Network/Manager/Board Manual & Policies/Board Manual/Individual Policy Compilation (as of June 2013)/Anti-Doping Policy

Website location:

<http://www.deafsports.org.au/policies-and-documents>

### 3.1.15 Social Media Policy

#### DEAF SPORTS AUSTRALIA Social Media Acceptable Use Policy

Deaf Sports Australia (DSA) welcomes all comments on our social media channels, including Facebook and Twitter. We want to hear from our fans about what they love about DSA, our events, sports and the achievements of our athletes and coaches.

You are welcome to express your views, comments, ideas, insights, and criticisms about DSA. At the same time, you should show courtesy and respect to others and must not use our social media channels to abuse others, expose others to offensive or inappropriate content, or for any illegal purpose.

When using our social media channels, please ensure that you:

- Protect your personal privacy and that of others by not including personal information about yourself or others in your posts to our social media channels (for example, email addresses, private addresses or phone numbers)
- Represent your own views and not impersonate or falsely represent any other person
- Are not abusive and do not harass or threaten others
- Do not make defamatory or libellous comments
- Do not use insulting, provocative or hateful language
- Do not use obscene or offensive language
- Do not post material to our social media channels that infringes the intellectual property rights of others
- Do not post multiple versions of the same view to the our social media channels or make excessive postings on a particular issue
- Do not promote commercial interests in your posts to our social media channels
- Do not include internet addresses or links to websites (that is of potentially defamatory nature / libellous / discriminatory / offensive), or any email addresses in your post to our social media channels.

Deaf Sports Australia reserves the right to enforce this Acceptable Use Policy at its discretion. Deaf Sports Australia may remove any posted messages that it considers to be in breach of the Policy. If you have any questions about this policy, please contact us at [active@deafsports.org.au](mailto:active@deafsports.org.au)

#### Social media privacy statement

Deaf Sports Australia may record any information posted to one of our social media channels (including Facebook and Twitter) and may use that information for the purpose of administering its social media channels and considering and/or addressing any comments made. No attempt will be made to further identify users of our social media channels except where authorised by law. Deaf Sports Australia is not responsible for the privacy practices or content included on our social media channels or any linked websites.

For further information contact us at [active@deafsports.org.au](mailto:active@deafsports.org.au)

### 3.1.16 Telecommunication (Meetings) Policy

#### *Telecommunication (Meetings) Policy*

##### *Introduction*

Deaf Sports Australia (DSA) recognizes the current need for board members and committees to readily communicate with one another. Effective communication protocols will help the board operate more effectively.

##### *Purpose*

This policy seeks to ensure that members and committees of the Board know their respective duties and obligation and the mediums in which they can undertake for communication between one another.

##### *Authorisation*

Print name:

Signature:

President  
Deaf Sport Australia



## ***Policy***

Members and Committees of the Board will have a list of acceptable communication mediums that they can undertake while undergoing their respective duties and obligations.

Acceptable tools for communication are as followed:

- Face-to-face
- Network facilities and equipment
- Basic telephony
- Mobile and radio services
- Information services including data, video and voice transmission (i.e. the internet)
- Through social media sites Facebook, twitter
- Digital network applications (Skype, Facetime, Whatsap)

## 3.1.17 Life Member Policy

### 1.1 Application for Life Membership

Life Membership is the highest honour that Deaf Sports Australia can bestow on an individual. As such, it is awarded in recognition of those who have made an outstanding contribution and in doing so have made an extremely positive impact on the sport and/or our organisation.

The individual (Deaf Sports Australia employees do not qualify) must have made an **outstanding** contribution to Deaf Sports in Australia.

An outstanding contribution to Deaf Sports Australia is one which:

- § Occurs over a significant period of time (at least 10 years plus);
- § Results in the organisation and deaf sport in Australia being substantially, demonstrably and positively changed by that contribution;
- § Required substantial and commendable personal input;
- § Contributes positively to the reputation and standing of the organisation and the sport - an ambassador or role model.

1.1.1 Nominations for Life Membership shall be submitted to the Board at least one (1) month prior to the Annual General Meeting.

1.1.2 Nominations for Life Membership shall be submitted to a meeting of the Board, which meeting shall, on its own motion, determine whether or not to propose such nomination for Life Membership.

1.1.3 Any such proposal for Life Membership shall be placed on the Agenda of the next following Annual General Meeting.

1.1.4 Such nominations to the Annual General Meeting for Life Membership shall set out the full details of nominee's service to Deaf Sports Australia Inc.

1.1.5 Not more than two (2) nominations shall be placed on the Annual General Meeting Agenda in any one year.

1.1.6 A person whose nomination for Life Membership has been rejected has no right of appeal.

### 1.2 Voting

Voting by the Members of Deaf Sports Australia on a proposal for

Life Membership shall be by ballot or other agreed process by the meeting and an individual shall be elected to Life Membership only by a special resolution of members present and entitled to vote at the Annual General Meeting.

**1.3 No  
Limitation**

There shall be no limit on the number of Life Members of Deaf Sports Australia.

**1.4 No  
Voting Rights**

Life Members may attend, and may speak on any matter being debated, but shall not be entitled to move or second or amend motions or to vote at any General Meeting or Members Forum of Deaf Sports Australia unless otherwise qualified.

## 3.1.18 Board Nomination Policy

### *Introduction*

This policy aims to list the correct procedures for the DSA board and their responsibilities in relation to board nominations and appointments.

### *1. Structure and Skills:*

#### *1.1 Purpose*

The Nomination Committee (the **Committee**) appointed by the Board assists the Board in fulfilling its oversight responsibilities relating to:

- the selection of individuals to stand for election as directors at meetings of members;
- the selection of individuals to be appointed to the Board as Appointed Directors or under a casual vacancy;
- the selection and composition of committees of the Board;

The existence of the Committee does not imply the fragmentation or diminution of the role of the Board.

#### *1.2 Authority*

The Board has authorised the Committee, within the scope of their duties and responsibilities set out in this charter to:

- perform the activities required to address its responsibilities and make recommendations to the Board;
- select, engage, and approve fees for any professional advisers that the Committee may require to carry out its duties;

#### *1.3 Membership*

The Committee appointed by the Board will consist only of independent Directors and/or Board Appointments. It shall comprise up to three Members who have the requisite expertise to make a valuable contribution to the Committee.

Committee member rotation is encouraged.

## 1.4 Chairman

The Board shall appoint one of the Committee members to be the Committee Chairman.

The Committee Chairman shall chair the meetings of the Committee and set its agendas.

Should the Committee Chairman be absent from a meeting, the Committee Members present must appoint a Chairman for that particular meeting.

## 1.5 Education

The Board is responsible for providing new Committee members with an appropriate induction program and ongoing educational opportunities.

## 1.6 Meetings

The Committee must meet at least twice per year.

The Committee Chairman, any Committee Member or the Committee Secretary may call a meeting of the Committee.

## 1.7 Meeting Attendance

Any person may be invited by the Committee Chairman to attend meetings of the Committee, but not necessarily for the full duration of the meeting.

## 1.8 Quorum and Voting

A quorum must consist of two members of the Committee.

The Committee Chairman shall not have a second or casting vote.

## 1.9 Reviews

The Committee will review at least annually this Board Nominations Policy and recommend to the Board for approval any appropriate amendments.

## ***2. Duties and Responsibilities***

In assisting the Board in fulfilling their responsibilities, the duties of the Committee shall be:

### ***2.1 Board composition and succession planning for Directors***

- Establish criteria for the selection of new Directors to serve on the Board.
- Review the Board's composition to ensure it has the appropriate skills to assist in the achievement of the Organisation's vision and goals.
- Research and identify for the Board appropriate candidates for consideration as Directors, as part of succession planning. In identifying candidates for membership on the Board, the Committee may take into account all factors it considers appropriate, which may include strength of character, mature judgment, career specialisation, relevant technical skills, diversity, and the extent to which the candidate would fill a present need on the Board.
- Recommend that the Board fill Appointed Director positions or casual vacancies with candidates identified by this Committee.
- Recommend to the Members that they elect candidates identified by this Committee at Board elections.
- Review and make recommendations to the full Board whether Directors should stand for re-election and consider matters relating to the retirement of Directors, including enforcing term limits.
- Conduct all necessary and appropriate inquiries into the backgrounds and qualifications of possible candidates.
- Consider questions of independence and possible conflicts of interest of Directors.
- Review and make recommendations, as the Committee deems appropriate, regarding the composition and size of the Board in order to ensure the Board has the requisite expertise and its membership consists of persons with sufficiently diverse and independent backgrounds.

### ***2.2 Oversee the performance evaluation of the Board (including the Chairman and Directors)***

### ***2.3 Board requests***

- Perform any other duty or undertaking that the Board may request from time to time.

### ***2.4 Reporting***

- The Committee Chairman will report to the Board on the Committee meetings regarding all relevant matters and appropriate recommendations in a written report (with supporting material) for noting or approval by the Board.

### 3. Nomination Committee Annual Agenda

Scheduled meetings				
<b>Structure and skills</b>				
Review Nomination Committee charter and Annual Agenda				
Establish number of meetings for forthcoming year				
Committee Chairman to establish meeting agenda and required attendees				
Perform an evaluation assessment on the Committee's and individual Member's performance				
<b>Board composition and succession plan for Directors</b>				
Skill gaps review				
Possible candidates identified				
<b>Reporting</b>				
Maintain minutes and report to the Board				

#### Authorisation

Print name

Signature

*President*

Deaf Sports Australia

## 3.2 Staff

### 3.2.1 DISCRIMINATION & HARASSMENT

#### Introduction

Deaf Sports Australia (DSA) recognises it is the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of discrimination or harassment.

Equally it is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from discrimination and harassment.

DSA is fully committed to its obligations to eliminate discrimination and harassment in the workplace and in customer relations.

#### Purpose

The purpose of this document is to outline DSA's position on discrimination and harassment and to document the process which is to be followed should any grievances arise.

#### Authorisation

*Governance Director*

Deaf Sports Australia



## Policy

Discrimination in employment is specifically prohibited. DSA will not tolerate any form of discrimination, or victimisation under any circumstances. The responsibility lies with every Manager, Supervisor, Employee and Volunteer to ensure that discrimination or victimisation does not occur.

Harassment does not have any legitimate workplace function. DSA will not tolerate harassment under any circumstances. The responsibility lies with every Manager, Supervisor, Employee and Volunteer to ensure that harassment does not occur.

DSA considers that legislative obligations under the Acts establish minimum standards of behaviour for employees.

The principles set out in this policy are intended to apply to any work-related context, including conferences, work functions, social events and business trips.

A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.

DSA strongly encourages any employee or volunteer who feels they have been harassed to take action, preferably by making it clear that such behaviour is unwelcome and offensive; alternatively, or in addition, follow the procedures for reporting the behaviour.

Any reports of harassment will be treated seriously and promptly with sensitivity and complete confidentiality. Complainants have the right to determine how to have a complaint treated, have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser will be given the right to have a support person of their own during any investigation procedures, to representation and advice throughout the process and to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee or volunteer will be treated unfairly as a result of complaining of discrimination or harassment. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of discrimination or harassment, or against any employee who has been alleged to be a harasser.

All employees and volunteers reserve the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Managers or Supervisors who fail to take appropriate corrective action when aware of discrimination or harassment of a person will be subject to disciplinary action.

## Definitions

*Discrimination* is treating an individual with a particular attribute less favourably than an individual without that attribute or with a different attribute under similar circumstances; also, seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.

*Harassment* is uninvited, unwelcome behaviour, which does not have any legitimate workplace function. Harassment includes any written, physical, or verbal conduct that from the perspective of a reasonable person is intimidating, offensive or humiliating against another person.

## Responsibility

It is **Management's** responsibility to ensure that:

- they understand and are committed to the rights and entitlements of all employees and volunteers to attend work and perform their duties, without fear of being discriminated against or harassed in any form;
- all reasonable steps to eliminate discrimination and harassment are made;
- all employees and volunteers are regularly made aware of their obligations in relation to providing a workplace free from discrimination or harassment;
- they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- all complaints are treated seriously and confidentially;
- they take immediate and appropriate corrective action if they become aware of any offensive action.

It is the **Employees' and Volunteers'** responsibility to ensure that:

- they understand and are committed to the rights and entitlements of all employees and volunteers to attend work and perform their duties without fear of being discriminated against or harassed in any form;
- they provide an environment which discourages victimisation, discrimination and harassment ;
- they immediately report any offensive action.
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## Procedures

### Complaints Procedures

Current legislation states that it is illegal to discriminate, victimise, harass or vilify on the basis of:

- sex;
- sexual harassment;
- pregnancy;
- potential pregnancy;
- marital/domestic status;
- disability;
- race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;
- age, compulsory retirement;
- family responsibilities, family status, status as a parent or carer;
- racial vilification;
- homosexual vilification;
- HIV/AIDS vilification;
- religious belief or activity;
- political belief or activity;
- physical features;
- industrial activity;
- employer association activity;
- trade union activity;
- breastfeeding;
- sexuality;
- transsexuality;
- transgender;
- profession, trade, occupation or calling;
- medical record; and
- criminal record

Discrimination and harassment can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, a volunteer, Supervisor, Manager, service provider, client or customer. Lack of intent is no defence in discrimination or harassment cases.

Formerly agreed behaviour may be found to be harassment or discrimination when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

Employees or volunteers who believe they are the subject of discrimination or harassment should take firm, positive and prompt action.

If deemed appropriate the employee or volunteer should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact their EEO Contact Officer. Alternatively an employee or volunteer may contact their

Supervisor/Manager, a Human Resources Officer or another Manager with whom they feel comfortable. The Manager or EEO Contact Officer will provide support, ascertain the nature of the complaint and the wishes of the complainant. The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue.

#### Informal Intervention

The Manager will explain the employee or volunteer's rights and responsibilities under Company policy, procedures and EEO/anti-discrimination legislation.

Informal Intervention may be done through a process of either mediation or conciliation. During Informal Intervention the respondent will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour. If this does not occur, the formal procedure should be followed.

#### Formal Complaints Procedure

Proceeding with a formal complaint requires the consent of the person complaining, particularly as witnesses or senior Management may become involved. The formal procedure will be co-ordinated by the Manager who will be guided by the Human Resources Department. The Human Resources Department does not need to know the specific details of the discrimination or harassment case to provide this guidance.

The Manager should clarify the complaint and obtain a step by step account of the incident. In serious cases, more than one interview may be necessary.

The Manager will document all such interviews accurately and avoid irrelevant information. This will include parties involved, timing, location, and nature of conduct complained against.

Records are to be kept and filed in a confidential and secure place. If no confidential area is available these notes may be sealed and forwarded to the Human Resources Department, where they will be maintained, unopened, in a confidential filing system. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

The Manager will organise an investigation, which in most cases may involve but is not be limited to:

- a private interview to ascertain the facts and what the complainant expects to happen as a result of making the complaint;

- an interview with the alleged harasser(s) to ascertain their defence;
- interviews with other employees, volunteers or individuals who may be able to assist;
- examination of any relevant documents;
- determination of previous behaviours or issues.

All evidence should be forwarded to the person conducting the investigation. Such evidence may include:

- supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker;
- Supervisor's reports and personnel records (eg unexplained request for transfer or shift changes, sudden increase in sick leave);
- complaints or information provided by other employers about the behaviour of the alleged harasser;
- records kept by the person claiming to have been harassed;
- information on whether the evidence was presented by the parties in a credible and consistent manner;
- information on the absence of evidence where it should logically exist.

On completion of the investigation the complainant and the Manager will determine a course of action to be taken. In most cases this will involve guidance from the Human Resources Department.

Possible course of actions may include, but not be limited to, any combination of the following:

- counselling;
- disciplinary action against the harasser (eg demotion, transfer, suspension, probation or dismissal);
- official warnings that are noted in the harasser's personnel file;
- disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- formal apologies and undertaking that the behaviour will cease;
- conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- reimbursing any costs associated with the discrimination or harassment;
- re-crediting any leave taken as a result of the harassment;

Outcomes will depend upon factors such as:

- the severity and frequency of the discrimination or harassment;
- the weight of the evidence;
- the wishes of the person who was subjected to discrimination or harassment;
- whether the harasser could have been expected to know that such behaviour was a breach of policy;
- the level of contrition;
- whether there have been any prior incidents or warnings.

The Manager will advise all relevant parties of the outcome.

If the investigation determines that discrimination or harassment has occurred, the Manager must forward a summary of the complaint and the action taken to the Human Resources Department. A copy may be placed in the respondent's personnel file by Human Resources, in accordance with Performance Counselling procedures.

If there is insufficient proof to decide whether or not discrimination or harassment occurred, the Manager will:

- remind those involved of expected standards of conduct;
- conduct further training awareness raising sessions for staff and volunteers;
- monitor the situation carefully.

The Manager will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews. If there has been any substantiated victimisation Disciplinary Procedures will be followed.

#### Procedures for Dealing with Criminal Conduct

Some forms of severe harassment, eg physical attack, obscene phone calls, may constitute criminal conduct. While DSA is committed to treat most harassment complaints at a company level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Employees or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the company to report such matters to the police on behalf of the complainant.

## 3.2.2 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

### Introduction

Deaf Sports Australia (DSA) recognises that Equal Employment Opportunity is a matter of employment obligation, social justice and legal responsibility. It also recognises that prohibiting discriminatory policies and procedures is sound Management practice.

This policy has been designed to facilitate the creation of a workplace culture that maximises company performance through employment decisions. These decisions will be based on real business needs without regard to non-relevant criteria or distinctions, and will ensure that all decisions relating to employment issues are based on merit.

This policy is designed to ensure that DSA complies with all of its obligations under relevant legislation.

### Authorisation

*Governance Director*

DSA

## Policy

DSA **is** an equal opportunity employer and will provide equality in employment for all people employed or seeking employment. Every person will be given a fair and equitable chance to compete for appointment, promotion or transfer, and to pursue their career as effectively as others.

Consistent with this, DSA will not condone and regards as unfair, all forms of unlawful discrimination or vilification including that which relates to:

- sex;
- sexual harassment;
- pregnancy;
- potential pregnancy;
- marital/domestic status;
- disability;
- race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;
- age, compulsory retirement;
- family responsibilities, family status, status as a parent or carer;
- racial vilification;
- homosexual vilification;
- HIV/AIDS vilification;
- religious belief or activity;
- political belief or activity;
- physical features;
- industrial activity;
- employer association activity;
- trade union activity;
- breastfeeding;
- sexuality;
- transsexuality;
- transgender;
- profession, trade, occupation or calling;
- medical record; and
- criminal record

In all cases performance and competence are to be used as the basis for performance assessment, training and development opportunities and promotions.

This policy is to be used in conjunction with the Discrimination, Harassment and Affirmative Action policies.



## Definitions

*Discrimination* is treating an individual with a particular attribute less favourably than an individual without that attribute or with a different attribute under similar circumstances. It can also be, seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.

*Equal Employment Opportunity* is ensuring that all employees are given equal access to training, promotion, appointment or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.

*Victimisation* happens where an employee is treated harshly or subjected to any detriment because they have made a complaint of discrimination or harassment. Victimisation will also happen if a person is subjected to a detriment because they have furnished any information or evidence in connection with a discrimination complaint.

## Responsibility

It is the responsibility of the **Board** to ensure that:

- all Managers, supervisors and staff are aware of their obligations, responsibilities and rights in relation to Equal Employment Opportunity;
- any matter which does not comply with the principles of equal employment opportunity are identified and addressed as promptly and sensitively as possible;
- ongoing support and guidance is provided to all employees in relation to Equal Employment Opportunity principles and practice.

It is the responsibility of **Management** to ensure that:

- they understand and are committed to the principles and legislation relating to equal opportunity and that they are applied in the workplace;
- all decisions relating to appointment, promotion and career development are made without regard to any matters, other than the individual's inherent ability to carry out the job;
- they provide an environment which encourages EEO and set an example by their own behaviour;
- all staff are aware of the EEO policy.

It is the responsibility of all **Employees, Contractors and Volunteers** to ensure that:

- they treat all colleagues and customers with respect and professionalism without regard to non-relevant criteria or distinctions.

### **Procedure**

Managers must make all decisions relating to appointment, promotion and career development without regard to any matters, other than the individual's inherent ability to carry out the position. Any concerns or queries should be directed to the Human Resources Department.

Employees who believe they being treated unfairly as a result of discrimination should notify their manager.

## 3.2.3 GRIEVANCES & DISPUTE RESOLUTION

### Introduction

DSA encourages its employees and volunteers to resolve any issues or concerns that they may have at the earliest opportunity with their immediate supervisor.

The preferred process involves employees and volunteers being able to resolve issues to their satisfaction internally, without feeling they have to refer to external organisations or authorities for assistance.

### Purpose

The purpose of this document is to provide an avenue through which employees and volunteers, and their managers, can resolve work-related complaints as they arise.

### Authorisation

*Governance Director*

DSA

### Policy

DSA will establish mechanisms to promote fast and efficient resolution of workplace issues.

Open communication and feedback are regarded as essential elements of a satisfying and productive work environment. Employees and volunteers should feel comfortable with discussing issues with their manager or supervisor in accordance with the procedures outlined below.

All formal avenues for handling of grievances will be fully documented and the employee/volunteer's wishes will be taken into account in the determination of appropriate steps and actions.

No employee will be intimidated or unfairly treated in any respect if they utilise this Policy to resolve an issue.

This Policy applies to permanent and part-time paid employees and volunteer workers.

## Responsibilities

It is the responsibility of **Management and Supervisors** to ensure that:

- they identify, prevent and address potential problems before they become formal grievances;
- they are aware of, and are committed to the principles of communicating and information sharing with their employees and volunteers;
- all decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the Organisation in general;
- any grievance is handled in the most appropriate manner at the earliest opportunity;
- all employees and volunteers are treated fairly and without fear of intimidation.

It is the responsibility of **Employees (including Volunteers)** to ensure that:

- they attempt to resolve any issues through their immediate supervisor and through internal processes at the earliest opportunity.

It is the responsibility of the **Human Resources Department** to ensure that:

- all Managers, Supervisors, Employees and Volunteers are aware of their obligations and responsibilities in relation to communication and information sharing with their employees;
- ongoing support and guidance is provided to all employees in relation to employment and communication issues;
- all Managers, Supervisors, Employees and Volunteers are aware of their obligations and responsibilities in relation to handling grievances;
- any grievance that comes to the attention of Managers or Supervisors is handled in the most appropriate manner at the earliest opportunity.

## Procedure

### Employment Practices

All Managers and Supervisors should be aware of the possible ramifications of their actions when dealing with employee/volunteer issues. They must ensure that all employees/volunteers are treated with fairness, equality and respect.

If there are any doubts or queries in relation to how to deal with a particular set of circumstances, Managers or Supervisors should contact the Human Resources Department for advice at the earliest opportunity.

Where a grievance or dispute has been brought to a Manager's attention, he/she should assess whether the employee involved is covered by an Award or Agreement, and if so should refer to that document for grievance procedures. If the employee/volunteer involved is not covered by such a document, the guidelines below should be followed.

### Grievances and Dispute Resolution

An employee or volunteer who considers that they have a dispute or grievance should raise the matter with their immediate supervisor as a first step towards resolution. The two parties should discuss the matter openly and work together to achieve a desired outcome.

The Manager or Supervisor should check for clarification of the issue to ensure they fully understand the complainant's concern. Managers should follow the standard procedure of offering the employee/volunteer the opportunity to have an independent witness at the discussion, ensuring they follow the steps outlined below:

- If more than one person is present, establish the role of each person.
- Outline the process that is to be followed.
- Inform the parties that any information obtained in the conduct of the review is confidential.
- Listen to the complainant and diagnose the problem.
- Take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation.
- If deemed necessary, provide the employee/volunteers with a written summary of the meeting and clarification of the next steps to be taken.

The Manager must ensure that the manner in which the meeting is conducted will be conducive to maintaining positive working relationships, and will provide a fair, objective and independent analysis of the situation.

All parties are to maintain complete confidentiality at all times.

If the matter is not resolved and the employee/volunteer wishes to pursue it, the issue should be discussed with a Human Resources Officer, then, if necessary, the General Manager. Again, the matter is to be discussed openly and objectively with management to ensure it is fully understood.

If the grievance/dispute is one of a confidential or serious nature involving the Employee/Volunteer's Manager, the complainant may discuss the issue directly with the President.

## 3.2.4 WORKPLACE OCCUPATIONAL HEALTH & SAFETY POLICY

### Introduction

DSA and its senior management are committed to ensuring the health, safety and welfare of the working environment for its staff, volunteers, contractors and visitors. As a consequence of this, Deaf Sports Australia encourages all of its staff members to regard accident prevention and working safely as a collective and individual responsibility.

### Purpose

The purpose of this policy is to ensure staff members and volunteers are aware of their responsibilities as employees/volunteers of DSA and under associated legislation, and are committed to ensuring the health and well-being of staff, volunteers, contractors and visitors. In fulfilling this responsibility, all members of Deaf Sports Australia have a duty to provide and maintain, so far as practicable, a working environment that is safe and without risks to health.

### Authorisation

*Governance Director*

DSA

## Policy

DSA recognises its moral and legal responsibilities to provide a safe and healthy work environment for its employees, volunteers, contractors and visitors. DSA further endeavors to ensure that their operations do not place the wider community at risk of injury or illness.

DSA is committed to:

- Undertaking risk management activities to adequately manage risks to persons in the work environment, including review of changes to work methods and practices;
- Compliance with all relevant legislation standards, and other requirements to which the Organisation subscribes;
- Ensuring that all plant, equipment and substances are safe and without risk to health when used in accordance with standard operating procedures;
- Maintaining safe systems of work, the work premises and the work environment, including systems to adequately manage emergency response;
- Providing adequate facilities to protect the welfare of all employees;
- Providing appropriate OH&S training to all employees and volunteer workers;
- Providing information and supervision for all staff and students enabling them to work and study in a safe and healthy manner;
- Consulting with all employees and contractors to enhance the effectiveness of the OH&S Management System;
- Providing adequate resources to facilitate the fulfillment of the Organisation's OH&S responsibilities;
- Regularly reviewing and evaluating Health and Safety Management systems, including audits and workplace inspections;
- Establishing measurable objectives and targets to ensure continued improvement aimed at elimination of work-related injury and illness.



## Responsibilities

The **Manager** as the responsible officer will be accountable for providing a healthy and safe workplace for employees and will ensure adequate resources are provided to meet the health and safety objectives and implement supporting strategies. In particular, the Manager will ensure:

- appropriate health and safety policies and procedures are developed and implemented to enable the effective management of health and safety and control of risks to health and safety;
- mechanisms are provided which enable the identification, development, implementation and review of appropriate health, safety and welfare related policies and procedures;
- mechanisms are provided to enable employees and their representatives to be consulted on any proposals for or changes to the workplace, work practices, policies or procedures which may affect the occupational health, safety and welfare of employees;
- managers are provided with the necessary knowledge and skills to effectively enable them to carry out their health and safety responsibilities;
- mechanisms are provided to enable the assessment of managers' and supervisors' health and safety performance;
- occupational health and safety performance is an integral component of the [organisation's name] business and financial plans;
- mechanisms are provided to regularly monitor and report on health and safety performance;
- annual health and safety strategic plans are developed and implemented to meet health and safety objectives;
- Occupational Health and Safety Policy is reviewed annually to ensure it remains accurate and in line with legislative requirements.

The **Manager** will be held accountable for coordinating DSA's management of health and safety.

Employees have a legal duty to take care to protect their own health and safety and to avoid adversely affecting the health and safety of any other person. **Employees and Volunteers** have a responsibility to:

- report any incident or hazards at work to their manager or supervisor;
- carry out their roles and responsibilities as detailed in the relevant health and safety policies and procedures;
- obey any reasonable instruction aimed at protecting their health and safety while at work;
- use any equipment provided to protect their health and safety while at work;
- assist in the identification of hazards, the assessment of risks and the implementation of risk control measures;
- consider and provide feedback on any matters which may affect their health and safety;

- ensure they are not affected by alcohol or another drug which may endanger their own or any other persons' health and safety.

**Contractors and visitors to DSA are required to:**

- comply with the occupational health and safety policies, procedures and programs established by DSA
- observe directions on occupational health and safety from designated officers of DSA

**Dissemination of Policy**

The Occupational Health and Safety Policy and related procedures shall be displayed in the workplace and all employees and volunteers will be provided with a copy through their supervisor. New employees will be provided with a copy of the policy as part of their induction.

The Policy will be reviewed on an annual basis to ensure it remains compliant with the relevant State legislation.

**Appendix A**

<b>OCCUPATIONAL HEALTH AND SAFETY STAFF ACKNOWLEDGEMENT FORM</b>	
Employee Name:	_____
I have received, read and understood the Occupational Health and Safety Policy issued	
on _____.	
Date	

*Completed form to be filed in employee's personnel file*

## 3.2.5 OCCUPATIONAL HEALTH AND SAFETY – INJURY/INCIDENT REPORTING

### Introduction

DSA recognises that the health and safety of its employees is a priority and that if accidents or incidents do occur, they should be reported. Incidents should be investigated to ensure that the possibility of recurrence or further risk is minimised.

DSA **understands** the importance of incident reporting and investigation and has developed hazard inspection, hazard reporting and maintenance programs to minimise the workplace accidents or dangerous occurrences.

This policy applies to all employees, volunteers, contractors and visitors of DSA.

### Purpose

This policy has been developed to ensure that all employees (including volunteers), understand the processes to be taken in the event of a dangerous occurrence or accident.

### Authorisation

*Governance Manager*

DSA

## Policy

DSA commits to preventing workplace accidents and minimising dangerous occurrences and will endeavour to achieve a zero accident rate.

DSA will:

- provide a mechanism for reporting accidents, incidents, work-related illness and dangerous occurrences;
- investigate accidents to determine the route cause with the objective of preventing a recurrence;
- obtain statistical information about the accident or incidents;
- meet state legislative requirements for reporting accidents and incidents.

All accidents or incidents that result in an injury or work-related illness during the course of work must immediately be reported to the regional Occupational Health and Safety Representative and First Aid Officer.

Any dangerous occurrence which has the potential to result in injury or damage to property must be reported in the same manner as an accident.

In the event of a dangerous occurrence or accident Deaf Sports Australia *must* ensure the relevant state authority is notified and that a full investigation is undertaken to determine the route cause.

The most appropriate corrective action will be taken to ensure the incident does not recur.

## Definitions

*Incident* - an event which causes or could have caused injury, illness, damage to plant, equipment, vehicles, property, material, or the environment or public alarm. It also includes losses of containment, fire, explosion, non-compliance with environmental regulatory requirements, vehicle incidents and off-site incidents.

## Responsibilities

It is the responsibility of **Management** to ensure:

- they notify the Occupational Health and Safety Representative of all dangerous occurrences;

- they are aware and understand the principles of incident and accident reporting and investigation;
- all incidents and accidents that result in or have the potential to result in injury or damage are investigated and where necessary, corrective or preventative action is taken;
- all matters relating to employee/volunteer welfare are dealt with in the most appropriate and timely manner.

It is the responsibility of all **Employees, including volunteers or contractors** to ensure that:

- accidents and hazards are reported to management at the earliest opportunity;
- all requirements and obligations under the relevant legislation are complied with.

### **Procedure**

All accidents or incidents that result in an injury or illness at work must be reported to the Occupational Health and Safety Representative within 24 hours of the incident occurring:

Any workplace accident or incident (dangerous occurrence) which has the *potential* to result in injury or damage to property must be reported in the same manner as an incident or accident that results in injury or damage.

### **Immediate Actions**

All injuries and illnesses must be assessed by a qualified First Aid Officer to determine whether medical treatment is required. The relevant Supervisor must advise the Site Manager of all injuries or illnesses.

If medical treatment is required, the injured person's Manager must ensure that suitable arrangements are made for transport to a doctor or hospital. It must be noted that:

- all eye injuries (including foreign objects between the eye and eye lid which is not dirt or dust particles) must be referred to a doctor or hospital.
- when injury or illness involves a chemical, a Material Safety Data Sheet and other information which may have been prepared for such incidents must accompany the injured person to the doctor or hospital.

The Occupational Health and Safety Representative must be notified immediately in the event of any incident which occurs.

All injuries resulting in lost work time must be reported to the Occupational Health and Safety Representative within 24 hours.

If the incident/injury results in a Worker's Compensation claim the following forms need to be completed:

- Worker's Compensation form from the employee;
- Worker's Compensation form from the employer;
- all claims for compensation must be accompanied with an appropriate medical certificate for time lost.

Ensure copies of all documents are kept on the employee's personnel file.

The Occupational Health and Safety Representative will ensure that an appropriate incident investigation for all lost time injuries and major incidents is conducted and reported to the Human Resources Department. Each accident or incident must be investigated in consultation with the Human Resources Department to ensure that corrective or preventative action is taken as appropriate. Managers are required to liaise with Occupational Health and Safety Representatives to implement corrective or preventative actions arising from any investigation.

#### In The Event of A Death

Advise Emergency Services on 000. If an incident results in a death, the site of the incident must not be disturbed until:

- an inspector arrives at the site of the incident; or
- an inspector directs otherwise at the time of notification.

The above does not apply if the disturbance to the site is for the purpose of:

- protecting the health and safety of any person; or
- aiding an injured person involved in an incident; or
- taking essential action to make the scene safe or to prevent a further occurrence of an incident.

Advise the Occupational Health and Safety Representative, Human Resources Department and General Manager immediately.

The Occupational Health and Safety Representative and General Manager will advise the Managing Director and CEO immediately.

## 3.2.6 MANAGING PERFORMANCE ISSUES

### Introduction

DSA undertakes to assist employees to maintain and if necessary improve their performance through counselling and support systems. These systems are aimed at ensuring employees are treated fairly and that they are provided every opportunity to meet the standards required in their work areas.

### Purpose

The purpose of this policy is to ensure that a consistent approach is followed for managing performance issues for all employees.

### Authorisation

*Governance Director*

Deaf Sports Australia

## Policy

DSA is committed to providing all employees with prompt counselling aimed at addressing poor employee behaviour.

DSA Managers undertake to assess each individual case on its merits and to provide adequate opportunity for employees to respond to allegations.

Any proposed disciplinary action will be fair and reasonable, taking into consideration the severity and nature of the offence and the employee's work record.

DSA will also maintain its integrity and service to its customers by ensuring operational requirements are met. Consistent with this, employees who fail to respond to counselling after due process has been followed, may have their employment terminated.

Staff whose performance is unsatisfactory will be given clear instruction as to the reasonable expectations of them in their job.

## Responsibility

It is the responsibility of **Management** to ensure that:

- they are aware and understand the principles of fair counselling and due process and that they are applied in the workplace;
- all decisions relating to counselling are made taking into consideration the facts of the matter and ensuring the employee is provided with due process.

It is the responsibility of the **Employee** to ensure that:

- they respond positively to counselling and attempt to improve behaviour and performance to acceptable levels at all times.

It is the responsibility of the **Board** to ensure that:

- all decisions relating to counselling are made taking into consideration the facts of the matter and ensuring due process has been adhered to;
- all Managers, Supervisors and staff are aware of their obligations and responsibilities in relation to counselling and fair treatment of employees;
- ongoing support and guidance is provided to all employees in relation to counselling principles and practice.



## Definitions

*Informal Counselling* refers to a verbal discussion between a Manager and an employee over a performance, work standard or other issue.

*Formal Counselling* refers to a counselling session that results in a written document to record the incident and its outcomes.

*Witness* means any person nominated by the employee to provide support during a formal counselling session.

## Procedure

This procedure is designed to ensure all employees are treated fairly and equitably, while at the same time protecting the interests of Deaf Sports Australia from claims of unfair treatment or unfair dismissal. It should be remembered that the primary purpose of counselling is to help employees achieve the desired performance or to improve their conduct to acceptable standards. As circumstances of individual cases will vary widely, it is mandatory to contact the Manager immediately if unsure what steps to take.

Within the workplace there are a range of ways an employee will signal that he or she has a problem. Some examples may include, but are not limited to:

- increased absenteeism;
- isolation from co-workers;
- stopping to provide work-based information to Supervisors;
- decreased hours of attendance;
- poor physical appearance and/or poor presentation;
- accidents;
- insubordination;
- verbal and/or physical abuse.

It is the responsibility of the Manager to recognise negative behavioural change in their staff in early stages and to intervene so that the problem may be prevented from escalating. The level of intervention will depend upon the seriousness of the problem.

Where a performance problem exists Managers must follow the process outlined below before consideration is given to terminate employment. The process should be approached from the perspective that the optimum

outcome is one in which there is a change in behaviour, not the administration of some form of punishment.

### Investigation

Upon finding out about a specific incident, or at the recognition of a pattern of unacceptable behaviour, the Manager must undertake a full and prompt investigation to ascertain all of the relevant facts. This must be done with sensitivity. The investigation may involve and include, but not be limited to:

- witness interviews and statements;
- documentary evidence;
- electronic/system evidence;
- employee background and history;
- previous employee appraisals;
- employee's attendance (if relevant);
- employee's personal circumstances (if relevant);
- any other information considered relevant to the issue.

It is important that all relevant facts are uncovered during the investigation. Ultimately the employee may be in a position where their continued employment is under review and decisions must be based on the full facts. Rumour and innuendo will not be relied upon.

The Manager should compile all available evidence as soon as practicable after the initial identification of an issue and use the material gathered to determine the next step in the process.

In cases where termination of employment may be the outcome, it may be appropriate to stand down the employee with pay. You should discuss this option with Human Resources.

### Informal Counselling

The Manager should arrange to speak to the employee privately to discuss the concerns and explain any changes in behaviour. This should be done as soon as possible after the investigation.

The Manager should outline the expected standards of behaviour, inform the employee that they should amend their behaviour to comply with these standards, as well as outline what the possible ramifications of not complying might be. This discussion should have a relaxed atmosphere and must convey to the employee that the Manager is concerned about the employee's welfare. It should be an exploratory discussion between a Manager and employee to rectify a situation before it becomes a serious problem.

If the employee indicates that he or she has a personal welfare problem the Manager may refer the employee to an Employee Assistance Program.

If the employee does not wish to discuss any problem, states that there is no problem, or says that he or she is unaware of any change in behaviour, the manager should simply re-affirm the concern and invite the employee back should there be a need to talk at a later time. The Manager is then responsible for reviewing the situation to ensure that the problem is resolved.

This meeting should not result in a formal document placed on an employee's file, but should be documented in the Manager's diary as a future reference should it be needed.

#### Formal Counselling - First Warning

If the behaviour continues the Manager may deem formal counselling appropriate. The purpose of formal counselling is to notify the employee that there is a serious concern, and that they should endeavor to amend their behaviour to comply with expected standards or risk disciplinary action.

It would be advisable that prior to proceeding with a formal warning, the Manager contact the Human Resources Department, which will verify that the necessary investigations have occurred and that due process is being followed.

The Manager should arrange a private interview with the employee, providing the employee with the opportunity to nominate a third party to be present to support them and to act as a witness, ensuring a fair hearing is given. Please see Appendix A for useful information on conducting counselling interviews.

The Manager must clarify reasons for poor performance or unacceptable behaviour, outline to the employee the allegations or concerns, the expected standards of performance or behaviour, and include the possible ramifications of not complying with these standards.

The Manager should remind the employee of any commitments made in the informal counselling, and set a review date, which will be determined by the critical work cycle, by which time the performance problem must be remedied or employment will be seriously questioned.

This meeting must be documented in a formal Performance Improvement notice, which will be signed by all parties and placed on an employee's file. The Performance Improvement notice, written by the Manager, should be concise and directly relate to the text of the conversation with the employee.

### Formal Counselling - Second Warning

A second formal warning is to be performed by the Manager when unacceptable behaviour continues and a current first warning exists. The details of the interview are to be recorded as with a first warning.

### Final Warning

If, after first and second warnings have been given, the performance or behaviour does not improve to an acceptable standard, a Final Warning will be appropriate. The purpose of a Final Warning is to notify the employee that the behaviour is now of such concern that if behaviour is not amended to comply with expected standards, employment will be terminated.

Prior to proceeding with a final warning, it is again advisable that the Manager contact the Human Resources Department, who will verify that the necessary investigations have occurred and that due process is being followed.

A final counselling will follow this process, however the employee must understand that if behaviour is not amended to comply with expected standards, employment will be terminated. It is advisable that a Management witness be present during this interview.

A Final Warning notice should be issued following this meeting. A warning note is a final directive and should not be used unless you are prepared to terminate the employee if he/she does not follow that directive.

### Termination

If, after all of the above steps have been taken, the performance or behaviour does not improve to an acceptable standard, termination of employment may be the final step.

Termination will not be effected without prior consultation with the Human Resources Department.

Terminations will be carried out with compassion and with due consideration to the employee, their colleagues and any other affected parties. When a decision has been made to terminate an employee, all necessary documentation, payments and other issues will be

fully prepared to ensure the action is taken with as little fuss as possible. A Human Resources representative may be present at the termination discussion.

### Severe Behaviour and/or Incidents

There may be occasions where the employee's behaviour or the incident is so severe as to warrant either summary dismissal or proceeding immediately to steps second or final warning. These instances are rare and careful consideration and consultation with Human Resources will occur prior to more serious discipline being invoked. Please refer to the Separation - Dismissal Policy for further information.

## 3.2.7 Terms of Employment

### 3.2.7.1 ANNUAL LEAVE

#### Introduction

DSA is committed to meeting its legal obligations in relation to annual leave.

All full-time employees shall accrue four weeks annual leave for each year of service. Part-time employees will accrue annual leave on a pro-rata basis. Casual and volunteer employees do not accrue annual leave.

#### Purpose

The purpose of this document is to outline the entitlements for accrual of annual leave as well as guidelines for applying for annual leave.

#### Authorisation

*Manager*

DSA

#### Policy

All full-time employees will accrue annual leave entitlements in accordance with the relevant Legislation, Award or Agreement.

Part-time employees will accrue annual leave on a pro rata basis, according to the number of hours worked.

Payment shall not be made in lieu of annual leave, except upon termination or where Legislation, Awards or Agreements specifically allow.

Employees should be strongly encouraged to take their annual leave balance, and not let it accumulate.

If a public holiday falls whilst an employee is on leave, no deduction will be made from annual leave credits for that day.

All accrued annual leave will be paid out on termination of employment.

## **Responsibilities**

It is the responsibility of **Managers and Supervisors** to:

- adhere to the provisions of the relevant legislation or Award/Agreement provisions for annual leave;
- ensure all applications for annual leave are processed for employees.

It is the responsibility of all **Employees** to:

- adhere to the provisions of the relevant legislation or Award/Agreement provisions for annual leave;
- initiate leave applications for annual leave by completing the appropriate documentation for approval.

## Procedure

Applications for annual leave are to be submitted to an employee's Manager.

Employees are requested to provide sufficient notice to their manager prior to the commencement of the annual leave.

Upon receiving an application for annual leave, the employee's manager is required to forward their authorisation to Payroll for processing.

If the employee decides to cancel their leave prior to the commencement of the leave, they are required to notify their manager and Payroll immediately in writing.

Annual leave payments will be paid at the employee's current ordinary rate of pay at the time of commencing the leave.



**Related Legislation**

STATE	LEGISLATION
NSW	Annual Holidays Act 1944 [NSW]
QLD	Workplace Relations Act 1997 [QLD]
TAS	Industrial Relations Act 1984 [TAS]
ACT	Annual Leave Act 1973 [ACT]
VIC	Workplace Relations Act 1996 [Cth]
WA	Minimum Conditions of Employment Act 1993 [WA]
NT	Annual Leave Act 1981 [NT]
SA	Industrial and Employee Relations Act 1994 [SA]

## 3.2.7.2 COMPASSIONATE / BEREAVEMENT LEAVE

### Introduction

DSA is committed to maintaining the well-being of all of its employees, and will provide employees with leave entitlements for compassionate reasons during a time of loss of an immediate family member.

The provisions outlined in this document apply to all permanent full-time and part-time employees.

### Purpose

The purpose of this document is to outline the provisions for taking compassionate leave.

### Authorisation

*Manager*

DSA

## Policy

In situations where there has been a death of:

- a spouse of the employee;
- a de facto spouse;
- a child or an adult child (including an adopted child, a step child, a foster child or an ex-nuptial child);
- a parent (including a foster parent and legal guardian)
- a grandparent
- a grandchild
- a sibling
- a same sex de facto partner; or
- a relative of the employee who is a member of the same household (family group living in the same domestic dwelling)

employees will be entitled to up to three days (or an alternate documented period) paid leave on any one occasion

If the absence extends beyond three days, or if the funeral is not of a person who is a close relative, this will be considered personal time and will be treated as vacation time.

Exceptions to this policy, under certain circumstances, such as an extended period of leave, may be considered by the Human Resources Department.

If an employee requires funeral leave, a telephone call to the direct supervisor is required by the first work day of absence.

Compassionate leave granted for the death of any other persons other than close relatives will be at the discretion of the Employee's Manager.

## Responsibilities

It is the responsibility of **Management and Supervisors** to ensure that:

- employees are familiar with their obligations and entitlements in accordance with this policy;
- all applications for compassionate/bereavement leave are promptly processed for employees.

It is the responsibility of **Employees** to:

- notify their immediate supervisor of any absence in accordance with this policy;
- initiate leave applications for compassionate/bereavement leave by completing the appropriate documentation for approval.

### **Procedure**

Wherever possible, employees are to notify the immediate Manager of any absences as soon as they are aware that they will not be able to attend work.

In all cases of notification, the employee is to specify the reason for, and the expected duration of the absence.

Upon receiving an application for compassionate leave, the employee's Manager is required to forward their authorisation

### 3.2.7.3 LONG SERVICE LEAVE

#### Introduction

DSA is committed to meeting its legal obligations in relation to long service leave.

This policy applies to all permanent full-time and part-time employees.

Casual or volunteer employees are not entitled to long service leave.

#### Purpose

This policy outlines the entitlements for accrual of long service leave, as well as the guidelines for making an application for long service leave.

#### Authorisation

Manager

DSA

#### Policy

Long service leave shall be determined in accordance with the legislation applicable in the State in which an individual is employed, except for employees who are covered by a Federal Award. In this case, the provisions of the award will apply.

Payment for long service leave is at the ordinary rate applying at the time of the employee taking leave.

For employees who are not covered by long service leave provisions in an Award or Agreement, the long service leave provisions that apply are outlined in the Long Service Leave Legislative Provisions Summary at [www.ourcommunity.com.au/longservice](http://www.ourcommunity.com.au/longservice).

## Responsibilities

It is the responsibility of **Managers and Supervisors** to:

- adhere to the provisions of the relevant legislation or Award/Agreement provisions for long service leave;
- ensure all applications for long service leave are processed for employees.

It is the responsibility of all **Employees** to:

- adhere to the provisions of the relevant legislation or Award/Agreement provisions for long service leave
- initiate leave applications for long service leave by completing the appropriate documentation for approval.

## Procedure

Applications for long service leave are to be submitted to an employee's manager.

Employees are requested to provide a minimum of four weeks notice before the commencement of long service leave.

Upon receiving an application for leave, the employee's manager is required to forward their authorisation to Payroll for processing.

If the employee decides to cancel their leave prior to the commencement of the leave, they are required to notify their manager and Payroll immediately in writing.

Long service leave payments will be paid at the employee's current ordinary rate of pay at the time of commencing the leave.

### 3.2.7.4 PARENTAL LEAVE

#### Introduction

DSA is committed to meeting its legislative obligations in relation to the provision of parental leave.

This leave may be taken as maternity, paternity or adoption leave.

All permanent full-time and part-time employees who have completed at least 12 months continuous service with their employer are eligible to take 52 weeks unpaid parental leave.

Casual and volunteer workers are ineligible for unpaid parental leave.

#### Purpose

This document has been designed to outline the entitlements to parental leave for permanent full-time and part-time employees, as well as the requirements for notification and application for such leave.

#### Authorisation

*Manager*

DSA

## Policy

Parental leave is available to all permanent employees with at least 12 months continuous service at the commencement of any planned parental leave.

Employees are entitled to unpaid parental leave of up to 52 consecutive weeks, with a minimum period of 6 weeks. Typically the 6 weeks parental leave is commenced prior to the confinement date.

Absence due to parental leave will not break continuity of service, however annual leave, sick leave and long service leave will not accrue during this period.

Employees can choose to take any available annual leave or long service leave as part of the maximum 52 weeks absence.

Parental leave cannot be taken by an employee in conjunction with any parental leave taken by their spouse or partner, except for a one-week period at the time of the birth or adoption of the child.

The 52-week period of leave entitlement period will be reduced by any period of leave taken by the employee's spouse or partner.

An employee on parental leave is entitled to return to the position they held prior to commencing the leave. Where the position no longer exists, a position of comparable status and compensation is to be made available.

With the approval of DSA, an employee may elect to return to work on part-time employment after the birth or adoption of a child.

An employee on parental leave may terminate their employment at any time in accordance with the resignation policy and procedure.



## Definitions

*Parental Leave:* leave taken to be the primary caregiver for a newborn or adopted child. This leave may be taken as maternity, paternity or adoption leave.

*Primary Care Giver:* the person who assumes the principle role of providing care and attention to a child.

## Responsibilities

It is the responsibility of **Managers and Supervisors** to:

- ensure all applications for parental leave are processed for employees as soon as possible;
- manage absences of employee in their area.

It is the responsibility of all **Employees** to:

- initiate the application for parental leave and provide the required supporting documentation;
- submit an application for leave as soon the information required is known;
- meet the notification requirements as specified in this policy for the return from parental leave.

## Procedure

Applications for parental leave are to be submitted to an employee's Manager at least 10 weeks prior to the commencement date.

Notification is required to be in writing and is to be accompanied by a doctor's certificate stating the expected date of birth of the child (for parental leave) or similar documentation in the case of adoption.

At least four weeks prior to the commencement of parental leave, the employee is required to complete an application for leave which the employee's Manager is to forward to the Human Resources Department.

Upon receiving notification of an application for parental leave, the Human Resources Department will provide the employee with a letter which outlines the dates of the parental leave and the conditions associated with parental leave. The employee is to review and sign a copy of the letter and return this to the Human Resources Department.

In the case of maternity leave, some state legislation requires employees to commence leave 6 weeks prior to the date of confinement. If an employee requests to work within the 6-week period prior to the date of confinement, medical certification is required.

Where a pregnant employee suffers from a related illness, the employee is entitled to take any paid sick leave for which they are eligible, or they may be granted special unpaid maternity leave. Unpaid leave taken prior to the commencement of parental leave will be inclusive of the 52-week limit.

In the event that the employee's pregnancy miscarries, the employee may return to work earlier than initially planned as agreed with the Organisation.

An employee is expected to confirm their intention to return from parental leave not less than 6 weeks prior to the expected return date. Such notification is to be made in writing to the Human Resources Department.

## 3.2.7.5 ANNUAL PERFORMANCE REVIEW

### Introduction

The DSA Annual Performance Review process has been designed to provide a vital link between the Organisations' Business Plan, its vision and guiding principles, and the individual. It is also to ensure that goals and objectives flow from the top of the organisation to the personal objectives of each individual.

This Policy applies to permanent and part-time paid employees only. If requested, volunteer workers can participate in, and have access to an annual review in order to obtain feedback regarding their position and performance.

### Purpose

The purpose of this policy is to ensure that a consistent approach is followed for conducting Annual Performance Reviews and that job-related skill and knowledge, and employee competencies and behaviours, are evaluated and compared against set standards and business objectives.

### Authorisation

*Governance Director*

DSA

## Policy

This Policy applies to permanent and part-time paid employees only. If requested, volunteer workers can participate in, and have access to an annual review in order to obtain feedback regarding their position and performance.

During the first month of an employee's commencement in a role, Managers will work with the employee to develop a Performance Plan which will be updated during the Financial Year Period. The Performance Plan will outline the employee's goals and objectives for a 12-month period in line with business plans.

The Development Plan will outline the individual's development priorities for the following 12-month period as well as reviewing any for the previous 12 months. Consideration should also be given to the individual's long-term career objectives.

Managers will conduct a formal Annual Performance Review with each employee within the first six weeks of the new financial year for the review period from 1<sup>st</sup> July to 30<sup>th</sup> June of the previous financial year (or specified period or time frame). Progress reviews may be conducted on an informal basis more frequently throughout the financial year.

Periodic assessment and discussion of performance will be carried out throughout the course of the review period between Managers and each of their employees on an "as needed" basis.

## Responsibilities

It is the responsibility of **Management** to:

- familiarise themselves with the performance management system objectives and procedures;
- carry out their responsibilities according to this policy.

It is the responsibility of **Employees** to:

- participate openly and honestly in planning and assessing their own performance objectives and receiving feedback from their Manager or Supervisor.

It is the responsibility of the **Board** to:

- continually develop a performance management system which will support the achievement of company objectives, and which will fairly and consistently evaluate each individual's performance against these objectives;
- provide ongoing development of Managers' skills that are required to effectively conduct performance reviews;
- ensure that all Managers are aware of their responsibilities in the performance management process;
- provide ongoing support and guidance to Managers with performance management issues.

## Procedure

### **Performance Management and Performance Plan**

The Performance Plan is designed to provide the opportunity to establish targets (Indicators of Effectiveness) which provide a challenge to employees and which can be reviewed and modified in response to employee achievements.

The Manager should develop a Performance Plan in conjunction with the employee within the first month of an employee commencing or during the Annual Review process. The Performance Plan is to be updated during every Annual Performance Review or as required throughout the course of the financial or performance year.

Employees should initially draft their own Performance Plan and then arrange a discussion with their Manager so that the Plan can be agreed and finalised. If a situation occurs in which the employee and Manager are unable to come to an agreement, both the employee and the Manager should attach a memo outlining their position, and forward the Performance Plan to the next-in-line Manager for a final decision.

The Performance Plan should outline goals and objectives for the following 12-month period and it is each Manager's responsibility to ensure that these are in line with the business plan. Each objective should have targets and measures documented, to enable accurate assessment.

The Performance Plan will also include an agreement of what competencies are to be demonstrated in the role.

### **Development Plan**

During the Annual Review process, or the first month of commencing employment, each employee should have a Development Plan established. The Development Plan discussion should review the individual's development over the previous twelve months, and outline the individual's broad career directions and development priorities for the following 12 months. The Manager should consider what skills, knowledge and competencies are required to achieve the objectives outlined in the Performance Plan, and to close the gap on current and planned competencies.

### **Annual Review**

Each year in the first six weeks of the new financial or performance year Managers must complete an Annual Performance Review interview with their employees. The Manager must review the employee's performance against his or her agreed performance objectives, targets and measures, as well as performance against the agreed competency levels.

The individual's agreed performance objectives and competencies should be reviewed against the set performance ratings.

To ensure a degree of objectivity is apparent throughout the review process, the "next-in-line" Manager will continue to be involved in the review process and must agree with the review and sign it off.

### **Link to Salary Review Process**

The Annual Performance Review process can be linked to the salary review process.

People should be rewarded on the basis of their contributions to the organisation. This reward can either be an annualised salary adjustment (increase in base pay) or a one-off reward - e.g. bonuses, plaques, lunches, certificates, etc.

## 3.2.7.6 SEPARATION – DISMISSAL

### Introduction

From time to time Deaf Sports Australia may have to initiate the dismissal of an employee due to unacceptable performance or behaviour.

Deaf Sports Australia is obliged to meet certain requirements in respect to termination of an employment contract. These requirements are prescribed by relevant legislation and community expectations, and relate to notification, notice periods, process and reasoning.

### Purpose

This policy is intended to ensure that all employees are treated fairly and with due process in cases of termination and that all relevant documents are completed, all requirements met and entitlements paid correctly.

### Authorisation

<<*Position*>>

Deaf Sports Australia

## Policy

Deaf Sports Australia will ensure that all employees are made aware of and fully understand their expectations in regard to work performance and standards of behaviour.

Where employees fail to meet these expectations or standards, they will be provided with every opportunity to improve. In cases involving serious or willful misconduct, that opportunity may be inappropriate.

In any dismissal cases, Deaf Sports Australia will ensure that all entitlements are met and employees are treated fairly, equitably and with dignity during the investigative process and possible termination.

The responsibility for dismissal action will remain with the Manager. Consultation with the Human Resources Department is mandatory prior to any dismissal action being taken.

## Definitions

*Dismissal* means a cessation of the employee's contract of employment at Deaf Sports Australia's initiative. It is for genuine reasons, usually relating to unacceptable performance or behaviour, and is always subject to due process being followed.

*Summary Dismissal* means a dismissal that, due to the nature of the issue, is immediate and not associated with a notice period.

*Notice period* means the amount of time required to be given in advance of a dismissal taking effect. In cases of dismissal, it is usual practice to make payment in lieu of the notice period being worked.

*Fraud* is criminal deception, dishonest act or misrepresentation by the employee to gain unjust advantage.

## Responsibilities

It is the responsibility of **Management** to ensure that:

- all required documentation is completed to ensure the employee receives all correct entitlements;
- the employee is treated fairly during any investigation and subsequent dismissal;
- all company property is accounted for at the time of dismissal.



It is the responsibility of the **Human Resources Department** to ensure that:

- all cases of dismissal follow full and detailed investigation, and that decisions made are based on all relevant facts;
- all dismissal cases follow procedural fairness and the employee is given every opportunity to present their explanation;
- all documentation is completed to ensure terminated employees receive their correct entitlements as soon as possible after the termination has taken place.

## Procedure

### Consideration of a Dismissal

If a Manager feels that dismissal of an employee may be necessary as a result of performance or behavioural issues, they should contact the Human Resources Department immediately.

The Manager and the Human Resources Department will review the situation to ensure that all facts have been considered and the employee has been provided with procedural fairness. In general terms Managers should ensure that they:

1. establish performance criteria;
2. inform the employee of any poor performance;
3. invite the employee to respond;
4. agreed on a plan to remedy the poor performance;
5. provide the employee with an opportunity to improve (specify the timeframe);
6. identify the consequences of continued poor performance;
7. repeated the above process at least twice; and
8. if the poor performance continues, terminate with appropriate notice (or pay in lieu), plus accrued entitlements.

### Summary Dismissals

Summary dismissals are only made for serious and willful misconduct, including serious neglect of duty and serious inefficiency. Acts of misconduct may include, but are not limited to:

- willful disobedience
- insubordination
- drunkenness
- sleeping on the job
- insulting words
- fighting
- abusive language
- violence
- failure to observe safety rules
- insolence
- concealment of a material fact on engagement
- obscenity

- dishonesty in the course of the employment or conviction or an offence which renders the employee completely unfit for the work.

It is stressed that each case must be considered on its own merits, as a question of degree would always be involved. The tests to be applied would vary with the nature of the business and the position held by the employee. Please see Appendix A for further information on what could justify summary dismissal.

Unless the circumstances are absolutely clear, and the misconduct is of a major nature, Managers are advised that in the first instance an immediate suspension from duty is the most appropriate step upon observation of an apparently dismissible offence. A suspension enables the facts to be gathered, advice to be taken, union officers to be informed (if applicable), if appropriate, and explanations invited from the employee.

Managers who condone breaches of the law (ie. theft of an item or cash from the Company), whether it be on grounds of compassion or some other reason, can be charged as being an accomplice to the crime. They can also be disciplined, including termination of employment, for failure to conduct their management duties appropriately.

In implementing a dismissal decision, it is essential that two responsible members of staff be present, one to act as a witness to the actual dismissal and the other to carry out the dismissal. It is important that the reason for instant dismissal in the terms of the appropriate Award or Act be clearly conveyed to the employee and recorded on the employee's Personnel File.

#### Dismissal for Unsatisfactory Performance

Where, over time, an employee has failed to achieve the standards set by the Company or has acted in a manner which is contrary to the required codes of conduct, he or she should be advised of the Company's requirements in these matters.

In order to maximise the potential of employees it is important to provide feedback on the way they are undertaking their tasks, to coach them to achieve better performance on the job and to counsel them when problems occur.

Managers must have completed the process outlined in the *Performance Management policy* before they are able to undertake any dismissal action.

#### Documentation

The Human Resources Department will prepare a Certificate of Service, a Statement of Termination Entitlements, and a letter outlining the reasons for the dismissal (this will be tailored to meet the individual circumstances of the situation).

As a rule, written references are not to be given to employees leaving Deaf Sports Australia. However, a Certificate of Service may be given on request. A copy of a Certificate of Service should be included in the employee's personal file. A draft Certificate of Service is attached as Appendix B.

### **Termination Payments**

The Human Resources department will ensure that payroll calculates all entitlements, and where possible payment will be prepared for the dismissal interview. In most cases it is expected that the payment will be processed after the dismissal has occurred.

Payment on termination will be in accordance with the terms of the individual's contract of employment. In the case of employees covered by an Award, provisions of the appropriate Award will apply.

### **Dismissal Interview**

The Manager should arrange for a dismissal interview. At interview, the Manager will formally dismiss the employee, providing full reasons for the decision.

During the dismissal interview, the Manager shall recover all company property. The Manager and the employee shall complete a Termination Checklist detailing all company property to be returned and other internal issues to be completed.

On the satisfactory completion of the Termination Checklist, the Manager will pass to the employee the termination letter. It is the responsibility of the Manager to ensure that all company property has been returned before the employee receives their final payment.

Depending on the circumstances, the employee should be escorted back to their workstation to retrieve any personal property. They should then be escorted from the premises. The Manager should remember that this is a difficult process for the dismissed employee and should be done with as much dignity as possible. It is usually not advisable for the employee to engage in conversation or 'goodbyes' with colleagues.

All final documentation must be returned to the Human Resources Department for filing.

### **Unfair Dismissal**

#### *Procedural Fairness*

A termination must be procedurally fair. Fairness is determined by the process followed prior to making a decision to terminate employment. Once again, Managers should ensure that they follow the Managing Performance document.

### *Substantive Fairness*

A termination must also be substantively fair. This means that there was a good, lawful reason for the dismissal (for example, assault, theft, or drunkenness where the matter has been fully investigated). A Dismissal Checklist has been provided in Appendix C to assist in the preparation for dismissal or potential dismissal of an employee. Utilising the checklist will not prevent an employee making application for re-instatement or for compensation for an unfair/unlawful dismissal but it will enhance the Organisation's ability to successfully defend such an allegation.

### *Fraudulent Practices to be treated as Misconduct*

Employees are strongly advised not to place themselves in a situation or assist in any way in practices which are fraudulent or involve the theft of monies, property, stock, etc. Such matters will be treated as Misconduct resulting in instant dismissal and will necessitate the matter being placed in the hands of the Police for appropriate action. All employees are advised to report incidents or suspicions of Fraud/Theft to a member of the Business Unit executive.

### *Discriminatory Dismissal*

The new federal Industrial Relations Court has jurisdiction to determine claims of discriminatory dismissal involving a breach of relevant anti-discrimination requirements. As per the Equal Employment Opportunity and Discrimination & Harassment policies, it is unlawful to discriminate on the grounds of sex, race, marital status, physical or mental disability, or political or religious beliefs.

## **Attachments**

Appendix A      Conduct Which May Warrant Summary Dismissal

Appendix B      Draft Certificate of Service.

Appendix C      Dismissal Checklist

## Appendix A

### CONDUCT WHICH MAY WARRANT SUMMARY DISMISSAL

#### Misbehaviour

A repeated act of practical joking or skylarking where an employee has received previous warnings is sufficient reason for dismissal, depending on the severity of misdemeanor. The criteria is whether or not such behaviour could endanger fellow employees, damage company property or adversely affect the production of products and services.

#### Disobedience

An employee has an obligation to follow all fair, lawful and reasonable instructions. If the employee does not do so he or she may be dismissed. An isolated act of disobedience may not be sufficient to justify summary termination, but a calculated and persistent course of disobedience is never trivial. Where an employee is instructed to do something which varies significantly from the character and capacity in which the employee was hired or where a reasonable apprehension of danger to the employee or others exists, the employee cannot be bound to obey such orders. In such cases it is essential that the facts are beyond doubt.

#### Dishonesty

An employee can be summarily dismissed for taking an employer's property without authority or for stealing money. It is recommended that the Manager contacts Police, who may take action independent of the employer.

#### Intoxication

Employers must be very careful in deciding whether or not to dismiss an employee on this ground. Unless it was a gross case where the employee is obviously incapable of performing his or her duties, it is better to send the employee home and give a warning prior to commencement of the employee's next day. Where it can be established that intoxication is gross and habitual, the employer can carry out an act of termination. It is suggested that before this point is reached, however, the employee should be referred to the Employee Assistance Program. Drinking alcohol on the job where company rules prohibit it, is a clear ground for dismissal.

**Negligence**

Where an employee's carelessness results in damage to the employer's property, product and/or injury to other employees, the employer has the right to exercise summary dismissal. Except in gross cases, the test is not so much the extent of the damage or injury, but the nature of the act. Ignoring work rules or safety instructions, particularly where there is a past history of negligence, would justify dismissal. A trivial isolated act of forgetfulness would not.

**Fighting, Insubordination, Abuse**

All of these reasons may or may not be grounds for summary dismissal and the employer should proceed cautiously until all facts are known. These issues almost invariably involve a large emotional content and unless it can be shown that the act was malicious or calculated, it is better to give a warning and record it than to summarily dismiss. Each case is a question of fact.

**Absenteeism and Tardiness**

Unless it can be proved that an employee was untruthful in explaining absence or lateness, it is better to issue a warning and place it on the employee's file. Where it can be established that absence or lateness is habitual, an act of summary dismissal can be carried out.

**Offences outside the Workplace**

In some situations, offences committed outside the workplace may warrant dismissal. A general rule is that the employee's behaviour must be incompatible with a faithful discharge of his or her duty to an employer. Examples would be where an employee is convicted for an offence and the penalty frustrates his or her ability to fulfill the contract of employment, or where the employer has a reasonable apprehension that the employee might commit a criminal act in the employment situation.

Appendix B

**SAMPLE CERTIFICATE OF SERVICE**

To whom it may concern,

This is to certify that \_\_\_\_\_ left the service of this Company on \_\_\_/\_\_\_/\_\_\_\_. He/She was in our employment from \_\_\_/\_\_\_/\_\_\_\_ and at the date of leaving was in the position of \_\_\_\_\_ .

It is the policy of Deaf Sports Australia to not issue any reference other than the above statement of service, but we shall be pleased to supply further information on request.

Yours faithfully,

\_\_\_\_\_

## Appendix C

**DISMISSAL CHECKLIST**

- Question 1. Is the person you intend dismissing actually an employee? The termination of an independent contractor is different.
- Question 2. Does the person conducting the investigation and potential dismissal have the delegated authority to do so?
- Question 3. Is there a “valid reason” for dismissing?
- a) If the dismissal is due to “serious and willful misconduct” would an independent person agree that the matter/behaviour in question really is serious and/or willful?
  - b) Is the dismissal directly or indirectly as a result of the employee’s age, gender, race, religious beliefs or other like reasons? If so, STOP.
  - c) Is the dismissal due to absence from work as a result of injury or illness? If so, you should contact the Human Resources Department, as these types of dismissal often require up-to-date knowledge of recent precedents in the Industrial Courts.
- Question 4. Could an independent, impartial person be satisfied that you have applied reasonable procedural fairness?
- a) In the case of instant or summary dismissal:
    - Are you able to prove that the person was aware of and understood the consequence so the behaviour or actions for which they are being dismissed?



- Has the employee been given reasonable time to present a defence to the allegation or show just cause as to why they should not be terminated?
- Has the allegation been put to the person in a confidential manner with the option to have an independent witness present?
- Has there been a thorough and documented investigation into the incident, including written statements from witnesses, if appropriate?

b) In the case of dismissal other than instant or summary, the same test as outlined above applies in addition to:

- Has the employee received at least two written warnings?
  - Does at least the second letter clearly advise the potential outcome of failure to comply with the required instruction; do they know they may be dismissed if they don't approve?
  - Does the total time between the first warning and last warning equal less than six months? For advice in instances where the time frame is longer contact the Human Resources Department before proceeding.
  - Was the employee given the option to have an independent witness present at each and all interviews relating to their behaviour/performance?
- 
- Is there thorough and accurate documentation relating to all interviews?
  - Does the employee have a Position Description that clearly reflects the organisation's expectations?
  - During the preceding 12 to 18 months has the employee received a Performance Appraisal that indicated their work performance and/or behaviour is acceptable?

### 3.2.7.7 SEPARATION - REDUNDANCY

#### Introduction

From time to time Deaf Sports Australia may have to initiate the retrenchment of an employee or employees due to insufficient business demand, changes to the organisational structure, introduction of new technology or other operational reasons.

In these circumstances Deaf Sports Australia is obliged to meet certain requirements in respect to termination of an employment contract. These requirements are prescribed by relevant legislation and community expectations and relate to communication, notification, notice periods, process and reasoning.

#### Purpose

The purpose of this policy is to ensure that all employees are treated fairly in cases of retrenchment, relevant documents are completed, requirements met and entitlements paid correctly.

#### Authorisation

<<*Position*>>

Deaf Sports Australia

## Policy

Deaf Sports Australia will ensure that all employees are made aware of, and fully understand, the company's business needs and performance as soon as practicable.

Where Deaf Sports Australia is faced with an excess of employees in a particular area as a result of a reduction in business demand or another operational reason, a process of full and open communication shall be implemented.

Deaf Sports Australia will investigate all alternatives to retrenchment including redeployment, the utilisation of accrued leave, or other viable options before any final decisions are made. These alternatives aim to meet the needs and expectations of the employee, as well as to protect Deaf Sports Australia's investment in its employees.

In any redundancy situation, Deaf Sports Australia will ensure that all entitlements are met and employees are treated fairly, equitably and with dignity during the process.

Staff retrenchments should only be undertaken as a last resort action when all other steps have been examined.

## Responsibilities

**It is the responsibility of the Chief Executive Officer to ensure that:**

- any decision made in relation to the retrenchment of employees is based on sound and objective operational criteria and that the positions selected for redundancy are the most appropriate.

**It is the responsibility of the General Manager to ensure that:**

- any decision made in relation to the retrenchment of employees is made on sound and objective operational criteria and that the positions selected for redundancy are the most appropriate.

**It is the responsibility of Management to ensure that:**

- any decision made in relation to the retrenchment of employees is made on sound and objective operational criteria and that the positions selected for redundancy are the most appropriate;
- all alternatives to retrenchment are fully explored, including redeployment, either in their own departments or within Deaf Sports Australia generally;
- the retrenchment message is delivered in an appropriate, confidential and sensitive manner;

- all required documentation is completed to ensure the employee receives all correct entitlements;
- all company property is accounted for at the time of retrenchment.

**It is the responsibility of all Employees to ensure that:**

- full consideration is given to any options or alternatives that are provided to them.
- normal work is continued during the process of communication and notice period if applicable.

**It is responsibility of the Human Resources Department to ensure that:**

- all cases of retrenchment follow full and detailed operational analysis and that decisions made are based on all relevant facts;
- all retrenchment cases follow due processes and are subject to full and open communication with the employees concerned;
- all documentation is completed to ensure employees receive their correct entitlements as soon as possible after the retrenchment has taken place.

### **Redundancy Procedure**

If a manager feels that retrenchment of an employee may be necessary, they should contact the Human Resources Department immediately. The Manager and the Human Resources Department will review the situation to ensure that all relevant issues have been considered.

A termination must be substantively fair. This means employers must take into account the employee's length of service, range of skills and experience, and the nature of his/her duties. Before retrenchment of an employee, in particular with long service and especially 25 years or more, it is required that:

- very sympathetic consideration be given to the case; and
- a determined effort is made to place the employee elsewhere in the same general area of work or, failing that, elsewhere in Deaf Sports Australia.

Employees to be retrenched shall be determined, principally, on a voluntary redundancy basis, followed by a last-on, first-off basis, taking into account the need to maintain efficient operation of the Business Activity where the reductions have to be made.

The Manager and the Human Resources Department will formulate an objective process of selection of the positions to be made redundant. This will be without regard to the incumbents, except in the case of retention of specialist skills, knowledge, competencies and/or relationship that are required.

Where an individual currently on worker's compensation is being considered for retrenchment, this should be discussed with the Human Resources Department before any action occurs.

Every effort will be made to identify opportunities in other areas of the organisation, commensurate with the skills and experience of the employees who are being considered for redundancy. Employees will be given the opportunity and adequate time to consider the alternatives and to respond accordingly.

It is a condition of employment within Deaf Sports Australia that the Organisation shall be able to arrange transfers when overall business circumstances warrant such moves. Transfers of this nature which do not materially prejudice the terms of employment of the employee will not be regarded as retrenchments under the terms of this policy. However, when determining a transfer to an alternative position, careful consideration should be given to the distance and location of the new position. This should be considered with the Human Resource Department. If it is available and the employee chooses, any transfer will be subject to the same notice period as a termination.

A redundancy situation will not occur where alternative work is offered on substantially the same terms and conditions, or where specific site or contract agreements provide for the possibility of discontinuity of employment.

If an alternative position is not acceptable to the employee there is to be no retrenchment payment. If the option of an internal position is accepted the employee shall have a negotiated payment in lieu of notice, at the rate of pay that applied prior to the employee receiving notice of alternative work.

In some cases, external out-placement/career consultants may be engaged to provide counselling to both employees to be retrenched and remaining employees. The Manager is to consider this option with the Human Resources Department. Appendix A provides additional information on this.

### **Paperwork**

When it has been deemed that all alternatives to retrenchment have been explored, the Human Resources Department will prepare a Certificate of Service to be forwarded as part of the retrenchment package. A copy of a Certificate of Service will be included in the employee's personal file (see Appendix C for a sample Certificate of Service).

The Human Resources Department will prepare a letter outlining the reasons for retrenchment which will be tailored to meet the individual circumstances of the situation, and which will indicate that the termination

of employment results from a redundancy situation and arises through no fault of the employee.

## Termination Payments

The Human Resources Department will arrange for Payroll to calculate all entitlements and prepare final payments.

Where possible, the Human Resources Officer will prepare a letter, detailing payments, for the final interview.

### The Retrenchment Interview

The Manager must arrange a meeting with the employee concerned to advise him/her of the redundancy. Appendix B '*Delivering the Retrenchment Message*' has some valuable information on how to deliver this message.

The Manager, preferably in conjunction with the Human Resources Department, should communicate to the other employees in the area the reasons, the future proposals and any other relevant information. Appendix B '*Delivering the Retrenchment Message*' also contains some valuable information on delivering this message to remaining staff members.

A standard exit interview is not appropriate in the case of redundancy as this is a highly emotional time for employees and the information they may provide about the Organisation may be biased. However, Managers should arrange to meet with the departing employee prior to them leaving.

During the final meeting, the Manager shall recover all company property. The Manager and the Employee shall complete a Termination Checklist detailing all company property to be returned and other internal issues to be completed.

On the satisfactory completion of the Termination Checklist, the Manager will pass on to the employee the Retrenchment package prepared by the Human Resources Department. This will contain the Certificate of Service and the Retrenchment letter. It is the responsibility of the Manager to ensure that all company property has been returned before the employee receives their final payment.

The Manager should forward all final documentation to the Human Resources Department for filing.

## Continuity of Employment

If a retrenched employee returns to Deaf Sports Australia within a three-month period, continuity of service may be granted (less the period of absence) with respect to certain conditions of employment. Specifically,

sick leave, annual leave and long service leave will continue (less entitlements already granted).

In the case of superannuation, the Deaf Sports Australia Superannuation Fund allows employees who have been retrenched and subsequently re-employed to allow the prior period of employment to be counted in the determination of total membership for vesting purposes. The maximum break in employment allowable for this purpose will be 24 months.

In this situation there will be no requirement for the benefits paid to the employee to be repaid. However, where such entitlements are not repaid, benefit accruals will commence only from the date the member rejoins the Fund.

#### **Attachments**

Appendix A      Counselling/Career Outplacement Support Services

Appendix B      Delivering the Retrenchment Message

Appendix C      Certificate of Service

## Appendix A

**COUNSELLING/CAREER OUTPLACEMENT SUPPORT SERVICES**

The Human Resources Department will help determine when Outplacement Services should be engaged. As a guide, there are three important aspects of such services:

- a) Assisting an organisation to plan and accomplish the termination of an individual or group of employees.
- b) Working with the individual(s) who are retrenched to help them come to terms with the termination and to develop the skills and knowledge to assist them secure a suitable position.
- c) Support of those staff who will remain in the organisation. While access to the counselling service is primarily for the person who is being retrenched, it should also be available to others, for example:
  - the individual delivering the retrenchment message may require access to counselling as well as briefing/training on how to deliver the message;
  - where there are large numbers retrenched, it may be helpful for all staff to have access to counselling during the restructuring, decision-making and implementation process; and
  - for those remaining, following the exit of those retrenched, as part of the rebuilding process.

Elements of counselling/career transition/out-placement support may include:

- personal counselling for the employee and sometimes even his/her immediate family;
- financial advice;
- job search skills;
- planning and job search campaign; and
- networking skills and their role in job search.



## DELIVERING THE RETRENCHMENT MESSAGE

It is important to be mindful about the importance of work in people's lives and appreciate that retrenchment will be significantly traumatic to employees. The nature of retrenchment situations means that there should be considerable sensitivity in the way they are handled. Confidentiality is crucial. It is important to avoid gossip about impending terminations as this can encourage negative actions.

### Type of meeting

If a group is to be retrenched at the same time, determine whether they should be advised as a group or in individual meetings. Although groups of staff may be told about retrenchments being probable, generally, individuals should be given the termination message in a private interview, rather than as a group.

### Who Should Deliver the Retrenchment Message

Identify who will deliver the retrenchment message. Ideally, it should be the person's supervisor or manager. It is also appropriate for a member of the Human Resources Department to be present during the interview, and for the individual to be given the opportunity to meet with a member of the Human Resources Department after being advised of the termination.

### Timing

Decide on the time of week to deliver the retrenchment message. It is preferable to hold the termination meeting early in the week. This enables outplacement/career transition support to commence the following day and allows for the necessary contact to be made and for planning to commence during the working week.

Decide on the time of day to deliver the retrenchment message. Mid-afternoon is preferable because it is more in line with the normal departure time, and support mechanisms - family or friends - are more likely to be available. For executives, mid-afternoon also enables a preliminary meeting with an out-placement consultant immediately following a termination meeting.

### **Location**

Individual termination meetings should take place in the office of the Manager delivering the message. This re-states the authority from which the decision has been reached and its finality. It also ensures privacy.

Group termination meetings should take place in an environment in which the group will feel comfortable but which will ensure privacy.

### **What to Say and How to React**

The manner in which the termination meeting is conducted plays a vital role in achieving a successful retrenchment. Generally, the following is important in managing the meeting:

- a) Prepare a script in writing of what will be said in the meeting and don't deviate from the general tenor of that script, re-stating particular points as appropriate.
- b) Don't engage in "small talk". Get straight to the point and communicate the decision in the first few minutes of the meeting.
- c) Restrict the meeting to 15 minutes - saying too little is preferable to saying too much.
- d) Be empathetic but in control. Be prepared to listen, and allow the employee to vent emotion.
- e) Do not get defensive, argue or threaten, personalise anger, or debate the finality of the decision. Don't deviate from the script.
- f) Prepare for a range of reactions to the termination message, for example, anger, shock, denial or silence.
- g) Ensure that the person has heard and understood the message.

Remember the person is redundant and the termination is not performance related. An appeal against unfair dismissal can occur if retrenchment is performance related.

## Appendix C

### SAMPLE CERTIFICATE OF SERVICE

To whom it may concern,

This is to certify that \_\_\_\_\_ left the service of this Company on \_\_\_/\_\_\_/\_\_\_\_. He/She was in our employment from \_\_\_/\_\_\_/\_\_\_\_ and at the date of leaving was in the position of \_\_\_\_\_ .

It is the policy of Deaf Sports Australia not to issue any reference other than the above statement of service, but we shall be pleased to supply further information on request.

Yours faithfully,

## **3.2.7.8 SEPARATION – RESIGNATION**

### **Introduction**

Employees of DSA are required to comply with certain requirements when resigning their employment. These requirements are established through legislation, and through company policies and procedures.

### **Purpose**

The purpose of this policy is to ensure that all requirements are met, all relevant documents completed and entitlements paid.

### **Authorisation**

*DSA Manager*

## Policy

DSA will develop an environment that encourages retention of employees and seeks to minimise employee turnover.

In all cases of resignation, DSA will ensure that all entitlements are met and employees are treated fairly and equitably during the process.

An employee intending to resign from DSA is required to give notice in accordance with their contract of employment.

## Responsibilities

It is the responsibility of **Management** to ensure that:

- all required documentation is completed and returned to the Human Resources Department;
- the employee is treated fairly during the period of notice;
- all company property is accounted for at the completion of the notice period.

It is the responsibility of the **Employee** to ensure that:

- required notice provisions and procedures relating to resignation are complied with.

It is the responsibility of the **Board** to ensure that:

- all cases of resignation are reviewed to ensure all beneficial learning is achieved and appropriate action is taken as a result of the learning;
- where appropriate, resignations are accompanied by an exit interview;
- all paperwork and documentation is completed to ensure terminated employees receive their correct entitlements as soon as possible after the termination has taken place.

## Procedure

An employee wishing to resign must write a signed letter of resignation stating their name, the date of the letter, and date of resignation. We

encourage the employee to state their reasons for resignation; they need only do so if they wish. The employee should give notice in accordance with their employment contract.

The employee should pass the letter of resignation to their Manager, who should note the time and date of receipt. The Manager should confirm that the resignation is firm and may also ask for any reasons, if appropriate.

Discretion rests with the Manager regarding any relaxation of the period of notice.

The Manager should forward the letter of resignation to the Human Resources Department for inclusion in the individual's personnel file and processing. The Manager must nominate on this form the date of the employee's last day of service.

There may be cases where the employee reconsiders their decision to resign. There is no obligation on Deaf Sports Australia to accept a withdrawal of a resignation. However, each case should be treated on its merits. Consideration should be given to the employee's performance and experience, together with the importance of the position and potential difficulty in finding a suitable replacement. Withdrawal of a resignation is not possible after the notice period has expired.

Managers should ascertain the name of the employee's new employer. If it is believed that an individual is joining a competitor, it is preferable that they are paid in lieu of working out the notice period. The reason this is suggested is that valuable company information (such as client lists) can be collected during the time between when the individual gives notice and actually leaves.

### **Termination Payments**

The Human Resources Department will arrange for Payroll to prepare a final payment at the completion of the notice period.

Payment on termination will be in accordance with the terms of the individual's contract of employment. In the case of employees covered by an Award, provisions of the appropriate Award will apply.

In cases where the employer initiates the applicable notice period not to be worked out, payment is to be made in lieu. The payment must be in accordance with legislative and/or Award requirements. Where an employee requests early release from the notice period and it is agreed by the manager, payment is made only for the time worked.

No payment in lieu is to be made if the notice period is worked out.

### **Certificate of Service**

As a rule, written references are not to be given to employees leaving Deaf Sports Australia. However, a Certificate of Service can be prepared by the Human Resources Department, with a copy to be included in the employee's personal file. A draft Certificate of Service is attached as Appendix A.

### **Exit Interview**

Feedback from employees leaving the organisation can provide valuable information on their perception of DSA and the way it is managed. During the notice period Managers must arrange for the employee to attend an exit interview. Appendix B provides information on conducting an exit interview. Any information obtained from an exit interview should be forwarded in writing to the Human Resources Department.

The Manager and the employee must complete a Termination Checklist detailing all company property to be returned and other internal issues to be finalised.

On the satisfactory completion of the Termination Checklist, the Manager will pass on to the employee the letter outlining Termination Entitlements and Certificate of Service. It is the responsibility of the Manager to ensure that all company property has been returned before the employee receives their final payment.

All final documentation must be returned to the Human Resources Department for filing.

## **Attachments**

Appendix A      Certificate of Service

Appendix B      Conducting an Exit Interview

Appendix A

**SAMPLE CERTIFICATE OF SERVICE**

To whom it may concern,

This is to certify that \_\_\_\_\_ left the service of this Company on \_\_\_/\_\_\_/\_\_\_\_. He/She was in our employment from \_\_\_/\_\_\_/\_\_\_\_ and at the date of leaving was in the position of \_\_\_\_\_ .

It is the policy of Deaf Sports Australia not to issue any reference other than the above statement of service, but we shall be pleased to supply further information on request

Yours faithfully,

\_\_\_\_\_



**Appendix B****CONDUCTING AN EXIT INTERVIEW**

The following guidelines should assist with conducting the interview:

- (a) The interview should be arranged as early as possible following the resignation. It should not be left to the last couple of days when an employee is pre-occupied with cleaning his/her desk and is winding down.
- (b) The interview should be conducted by the most senior departmental line Manager, who is not their immediate Manager, unless the employee states a preference for someone more senior.
- (c) The ground rules for interviewing should be observed, i.e. use of a private office, no interruptions, and a friendly and informal atmosphere.
- (d) It is probably best in the early stages of the interview to use a non-directive line of questioning. It is also important to obtain early feedback on what the employee liked/disliked most about the position they occupied.
- (e) It is important to encourage a free flow of discussion and to resist the opportunity to be defensive or confronting. The purpose of the interview is to establish the employee's perception of how things have eventuated and why he or she is leaving Deaf Sports Australia
- (f) The exit interview should not be used as an opportunity to "buy back" the employee with offers to increase salary, or the chance of a promotion.

## **3.2.7.9 SICK LEAVE**

### **Introduction**

DSA is committed to maintaining the well being of all employees.

This document applies to permanent full-time and part-time employees. Casual and volunteer workers are not entitled to paid sick leave.

### **Purpose**

This policy has been designed to outline the entitlements to sick leave for permanent full time and part time employees, as well as the requirements for notification and application for such leave.

### **Authorisation**

DSA Manager

## Policy

All employees will be provided with paid leave in the event of illness or injury, subject to conditions specified in this policy.

An employee's sick leave entitlement will be in accordance with the terms and conditions of the individual's contract of employment.

All employees are required to prove to the satisfaction of the Organisation that they are unable, on account of illness or injury, to attend for duty on the day or days for which sick leave is claimed. The employee's immediate supervisor must be notified on the first day of the absence.

Sick leave may be taken as either full days or part days.

Employees are not entitled to sick leave for any period of time in respect of which they are entitled to workers' compensation.

Sick leave will not be paid to employees upon termination of employment.

Where an employee may be absent from work due to serious illness for a prolonged period of time, arrangements may be made for additional sick leave.

Please see Appendix 1 for Legislative sick leave minimum entitlements.

## Responsibilities

It is the responsibility of **Management** to ensure that:

- employees are familiar with their entitlements and obligations in accordance with this policy;
- applications for sick leave by employees are accurately completed and provide the required documentation.

It is the responsibility of all **Employees** to:

- notify their immediate supervisor of any absences in accordance with this policy;
- submit an application for leave and provide the necessary documentation as required by this policy for all absences.

It is the responsibility of the Board to ensure that:

- appropriate policies and procedures are implemented in respect to provision of paid sick leave.
- applications for sick leave are processed accurately and efficiently.

## Procedure

Employees must advise their Manager of any absence prior to their rostered or normal commencement time. Exceptions to this requirement may be accepted at the discretion of the appropriate Manager in exceptional circumstances.

Failure to meet the notification requirements as specified above may result in disciplinary action by the appropriate Manager, or may eventually result in proceedings relating to abandonment of employment.

Notifications of absences are to be made directly to the relevant Manager.

Where the immediate Manager is not contactable at the time of notification, a message is to be left with a Manager at the same level or above, who is then responsible for notifying the appropriate Manager as soon as possible.

In circumstances where neither the immediate Manager nor an alternative Manager is available at the time of notification, a message may be left with the appropriate person on site.

In all cases of notification the employee is to specify the reason for, and the expected duration of the absence.

Payment for sick leave is subject to the provision of a valid certificate in the following circumstances:

- absences in excess of one day, or
- absences in excess of four single days per anniversary year, or
- absences of one day or more either side of a public holiday, weekend or normal rostered day(s) off, or
- as requested by the appropriate Manager.

A valid medical certificate is deemed to be a certificate signed by a registered medical practitioner. Medical certificates are to be signed, dated, state the duration of the absence, and state the reason for the absence. Certificates that have been post-dated will not be accepted.

In assessing whether additional sick leave should be provided, Managers should consider the likely length of time that the employee will be off work, the possibility of early retirement or total and permanent disablement, length of service, attendance record and job performance.

Employees are to ensure that their application for leave is accompanied by any relevant medical certificates prior to submitting the form to their Manager for approval.

Upon approval of an application for sick leave, Managers are to forward the medical certificates to Payroll for processing.

Where a Manager is unsure as to the validity of an absence or associated documentation, they should contact the Human Resources Department for advice.

### 3.2.7.10 TIME IN LIEU POLICY

#### Background

From time to time employees may be required to work longer hours to accommodate a pressing work issue, attend meetings or represent the organisation outside of their usual working hours. Time off in lieu of paid overtime will be offered as an option to employees who are required to work hours beyond their normal contractually agreed weekly hours. This arrangement is designed to ensure that an employee is not working excessive hours and to ensure work/life balance. It is not expected that time in lieu will be a standard or regular occurrence.

#### Purpose

The purpose of this policy is to ensure that:

- All managers and staff have an understanding of the use of time in lieu arrangements in the organisation.
- All managers and staff are aware of the procedures for time in lieu.
- All staff are treated consistently.

#### Authorisation

<<Position>>

Deaf Sports Australia

**Policy**

1. Time in lieu can be accrued and taken only with the prior approval of the CEO or by their properly delegated authority. If individuals choose to stay late to complete work then that is their own choice and cannot be taken as lieu time.
2. Time off in lieu will be at a ration of one hour worked to one hour time in lieu, except for Public Holidays and Sundays where Time in Lieu will be granted on a 'flat rate plus one-half rate'.
3. Time off in lieu should be calculated in 15-minute intervals, and can be claimed where the additional time worked exceeds 30 minutes.
4. Staff must fill out a 'Time in Lieu Accrued and Taken Form and lodge it with their supervisor.
5. Time in lieu of more than four (4) days may not be accrued.
6. Time in lieu can only be accrued and taken in accordance with this policy.
7. No more than one day a month can be taken as time in lieu, normally in half-day blocks.
8. Time in lieu leave must be taken at a time approved by the employee's supervisor.
9. Time in lieu should be redeemed as soon as possible after it has been accrued, and all time in lieu **must** be taken within 12 weeks of being accrued. After 12 weeks it must be taken as calculated overtime pay.
10. Time in lieu credits will not form part of any eligible termination payment.

**Related Documents**

- Time in Lieu Accrued and Taken Form

### 3.2.7.11 UNPAID LEAVE

#### Introduction

Deaf Sports Australia is committed to providing a considered approach to balancing the needs of its employees with those of the Organisation. Deaf Sports Australia recognises that on occasions, some employees may need to take leave that cannot be catered for with other leave provisions.

This document applies to all permanent full-time and part-time employees. Casual and volunteer workers are excluded from the provisions outlined in this document.

#### Purpose

The purpose of this document is to outline the provisions for unpaid leave, as well as the application and approval process for taking a period of unpaid leave.

#### Authorisation

<<*Position*>>

Deaf Sports Australia



## Policy

Leave without pay will only be considered for employees in exceptional circumstances. Each situation will be judged on its merits, with the following factors being taken into consideration:

- Length of Service with the Organisation;
- Record of Performance.

Where applicable, an employee's accrued annual leave is to be utilised before leave without pay will be considered.

Prior to granting leave without pay which extends beyond one week, managers must obtain the approval of the General Manager .

Where leave without pay extends beyond a one week period, other leave entitlements will cease to accrue for the period of unpaid leave.

## Responsibilities

It is the responsibility of **Management** to:

- adhere to the provisions of this policy when approving applications for leave without pay;
- process all applications for leave without pay as soon as possible.

It is the responsibility of **Employees** to:

- Adhere to the provisions of this policy when making an application for leave without pay;
- Initiate leave applications by completing and submitting the appropriate leave documentation.

## Procedure

Leave without pay may be granted to an employee for exceptional circumstances, such as personal reasons.

Applications for leave without pay are to be submitted to the employee's manager for review.

Applications for leave without pay should be made as soon as the employee is made aware of the requirement for leave.

Upon receiving an application for leave without pay, the employee's manager is to consider all of the circumstances surrounding the request for leave, and make a decision in consultation with the General Manager.

It is important that the conditions under which an employee is granted leave without pay are documented in the form of a standard memo (refer to Appendix A). A copy of this memo is to be filed in the employee's personnel file.

### **Attachments**

Appendix A: Sample letter to be issued to employees granted leave without pay.

Appendix A

**SAMPLE LETTER TO BE ISSUED TO EMPLOYEES GRANTED LEAVE WITHOUT PAY**

Date

Name

ADDRESS

Dear \_\_\_\_\_,

**Re: Application for Leave without Pay**

In reference to your application for leave without pay for the purposes of [insert reason for leave], I am pleased to confirm approval of this leave subject to the following conditions.

The period of leave without pay will commence [first day of leave] and will conclude on [last day of leave]. Any variation to these leave dates must be approved by an authorised manager of Deaf Sports Australia.

Whilst on leave without pay, you will continue to maintain an employment relationship with Deaf Sports Australia. Consequently you may not accept any other employment during the period of leave of absence without the permission of Deaf Sports Australia.

On completion of your leave without pay, we will endeavour to return you to the same position you held immediately prior to commencing the leave of absence. If the position is not available we will endeavour to provide you with a position with similar responsibilities and conditions. Please contact your manager no later than the [insert date] to advise of your return date, this will ensure your payroll details are reactivated.

### **Continuity of service**

The period of leave without pay will not be considered a break in your continuity of service.

Unpaid leave will not be taken into account for the purposes of calculating all service related benefits including, but not limited to, the accrual of annual leave and long service leave. All leave balances will be suspended until you return from your leave without pay.

### **Superannuation**

Your superannuation contributions will be suspended for the period of your leave without pay.

**Continued ...**

### **Contact with you during your leave**

Please ensure that your current contact address and phone numbers are reflected accurately in Deaf Sports Australia's records to ensure we can contact you if necessary during your leave without pay.

### **Conduct and Behaviour**

Even though you will not be working at Deaf Sports Australia during your leave without pay, because you remain an employee, we expect that you will conduct yourself in a manner befitting a Deaf Sports Australia employee. Any conduct, which might tend to adversely reflect upon the reputation or standing of Deaf Sports Australia will be viewed seriously and may result in disciplinary action being taken on your return.

### **Notification of return to work**

One month prior to the day on which you are expected to return to work you must notify your manager or the Human Resources Department to confirm your return date. This will help in finding suitable work for you upon your return.

We wish you every enjoyment for your time away and look forward to your return. Please sign the attached copy of this memo and return it to me to confirm your acceptance of the terms and conditions of this unpaid leave.

If you have any queries please contact [insert contact details] directly on [insert contact number].

Please sign this memorandum and return it to [insert contact details and postal address]

Regards,

## 3.3 Finance

### 3.3.1 REIMBURSEMENT OF EXPENSES

#### Purpose

To spell out procedures that must be followed in the reimbursement of expenses incurred on behalf of Deaf Sports Australia.

#### Policy

Deaf Sports Australia will reimburse its staff (including volunteers) any reasonable and authorised expenses incurred by them on behalf of Deaf Sports Australia or in the course of Deaf Sports Australia business.

#### Procedures

1. Deaf Sports Australia will not reimburse staff for
  - Expenses claimed by an employee as a tax deduction.
  - Expenses normally recoverable from a third party.
  - Claims for purchases that are required to be made under a Deaf Sports Australia purchase order
  - Expenses that are not incurred for business purposes.
  - Late payment interest on credit cards.
  - Parking, traffic, or other fines and penalties.
2. In travel expenses,
  - Employees will be reimbursed for the most direct and economical mode of travel available, considering all of the circumstances.
  - Employees will not be reimbursed for additional costs incurred by taking indirect routes or making stopovers for personal reasons.
  - Use of an employee's own vehicle for work-related travel will be reimbursed by way of an all-inclusive mileage allowance at a given rate (see #).
  - Trip cancellation insurance will be reimbursed.
3. For accommodation,
  - Employees will be reimbursed for moderate accommodation expenses, considering all of the circumstances.
  - Employees will not be reimbursed for items of a personal nature charged to a hotel account.

- When accommodation is provided by an employee's friend or relative to whom the employee gives money or a gift as compensation or as a sign of appreciation, the employee may claim an overnight accommodation expense in accordance with per diem rates (see #).
4. For the employee's own meals,
    - Employees will be reimbursed for reasonable and appropriate meal expenses actually incurred while on Deaf Sports Australia business.
  5. When the staff member is offering hospitality on behalf of Deaf Sports Australia,
    - Employees will be reimbursed for hospitality expenses incurred in the course of Deaf Sports Australia business, as appropriate.
    - Appropriate hospitality charges include events hosted or sponsored for the purpose of promoting Deaf Sports Australia's work or enhancing its image, and include meals that are related to the transaction of Deaf Sports Australia business.
    - When Deaf Sports Australia employees dine together while on Deaf Sports Australia business, it is appropriate for the **senior person** (if any) to arrange payment and submit the claim for reimbursement.
  6. Reimbursement of reasonable but unauthorised expenses may be made on an *ex gratia* basis.
  7. Advance payments may be authorised where appropriate. Such payments will be subtracted from the amount of any later reimbursements. If expenditure is not for whatever reason incurred then any advance payments made, or any unspent portion of such payments, must be returned.
  8. Fixed *per diem* payments may be authorised where appropriate.
  9. Staff are authorised to approve expenses to the amount specified in their individual job statement, and for expenditure above this level must seek specific authorisation from their supervisors.
  10. Except where *per diem* payments have been authorised, staff incurring authorised expenditure must wherever possible receive and retain receipts, invoices, vouchers, tickets, or other evidence of such expenditure.
  11. Staff incurring authorised expenditure must submit requests for reimbursement to the designated person (depending on the sum in question) on the standard form #, describing the nature and purpose of the expenses. The completed form must be signed by the applicant.
  12. Except where *per diem* payments have been authorised, staff incurring authorised expenditure must present all relevant original receipts, invoices,

vouchers, tickets, or other evidence of such expenditure when seeking reimbursement. Where such evidence is for any reason lacking statutory declarations may be sought.

13. The designated person is responsible for determining if the expenses being claimed are reasonable given the circumstances, and for ensuring they are charged against the appropriate account, and that any requirements under the Fringe Benefits Tax legislation have been met.
14. Claims that have not been properly prepared, authorized, or supported by adequate documentation will be returned to the claimant and the reasons will be given for not processing the claim.

### **Authorisation**

<<*Position*>>

Deaf Sports Australia



## 3.3.2 AUTHORITY TO SIGN CHEQUES

### Purpose

To spell out procedures that must be followed in the signing of cheques on behalf of Deaf Sports Australia.

### Procedures

- All cheques must contain two eligible signatures.
- Eligible signatories are Board members or staff members who have been previously nominated and endorsed by the Board.
- Any two of the above have the authority to sign cheques.
- Signatories cannot sign a cheque made payable to themselves.
- A list of all cheques issued each month will be provided to the Treasurer.

### Authorisation

Deaf Sports Australia