

## HEALTH SERVICES UNION

### Employment Policy

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The union rules and the provisions of the *Industrial Relations Act 1996 (NSW)* and, to the extent applicable, the *Fair Work Act 2009 (Cth)* will prevail over the terms of the policy to the extent of any inconsistency.

#### 1. Recruitment and Termination of Employment Overview

- 1.1 The Union's Manager with human resources responsibilities is responsible for overseeing all aspects of recruitment and termination of employment processes.
- 1.2 All employed organisers must comply with the legislative requirements to have a current workplace permit.
- 1.3 All job vacancies will be posted on the Union's website, and copies of the selection criteria will be made available from the Manager.

#### 2. Recruitment

- 2.1 All recruitment and selection will be based on merit.
- 2.2 Normally, persons related to any official or employee of the Union will not be employed by the Union.
- 2.3 No person on the selection panel may be related to the applicant.
- 2.4 The selection panel will comprise of:
  - the immediate manager or deputy manager to the position being recruited;
  - persons with some expertise and/or understanding of the position being recruited; and
  - a minimum of two people, but preferably three, of which there should be at least one male and one female and not from one division.

All senior positions will include an independent, being someone outside the union.

- 2.5 All members of an interview panel must complete a Conflict of Interest Form in relation to all candidates to be interviewed, prior to any interviews being conducted. This is to advise whether there are matters which might give rise to a real or perceived conflict of interest including any prior relationship, friendship or association with the other contracted party.
- 2.6 Where any conflict exists including a prior friendship, relationship or association, the selection panel member may need to be excluded from the interview and selection process and an alternate panel member appointed to conduct interviews and selection.
- 2.7 An applicant must not be offered a job at the HSU prior to this process being undertaken.
- 2.8 The employment of a candidate will not begin until this process has been followed and it is clear that nothing exists to prevent the employment of the candidate.

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- 2.9 Where an offer of employment is to be made to a successful candidate, employment will not begin until all associated paperwork has been provided to the Chief Financial Officer including Letter of Offer from the Secretary, Conflict of Interest Forms, resume/application by the successful candidate and the Report by the members of the selection panel.
- 2.10 If an applicant recommended by the selection panel is related or associated with an official or an employee of the Union, the recommendation for employment must be approved by the Union Committee, and reasons documented and reported to Union Council.

### 3. Eligibility List Following Interviews

- 3.1 Where a selection process has been properly conducted for a role at the HSU, the applications may be kept on file and subsequently used to make a selection for the same role again, within 6 months of the original interviews being conducted, without the need for re-advertising the position.

### 4. Staff Induction

- 4.1 When a new employee commences with the Union, an induction program will provide the necessary information, orientation and training so that he or she can enjoy a smooth integration into the workplace. Much of the structured induction will occur within the first four weeks of an employee's commencement.
- 4.2 Each new employee will be given a copy of the HSU Policies and Rules and required to sign a declaration that she or he has read, understood and agreed to observe the Union Rules, policies and procedures.
- 4.3 For new staff, the induction period will run concurrently with and support his or her probation period.

### 5. Obligations of Employees

- 5.1 Employees will:
- perform their duties to the best of their abilities and knowledge;
  - comply with the Union's Code of Conduct;
  - use all reasonable efforts to promote the interests of the Union;
  - act in the Union's best interests;
  - comply with Union policies and procedures;
  - not engage in any activity that is in conflict with their employment.
- 5.2 Employees will not be penalised if during the course of carrying out their duties their Workplace Permit is cancelled if they were acting within the direction of their supervisor.

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- 5.3 Employees need to be aware of the Union's policy in relation to workplace privacy and the conditions imposed in relation to the non-disclosure of information to third parties, use of email, the internet and social media. Employees' access to personal data is subject to audit.
- 5.4 As an individual member of the community, an employee has the right to enter into public debate on political and social issues, but it must be made clear that the employee's view is not the Union's view.
- 5.5 Employees can only undertake secondary employment with the written approval of the Secretary. Any secondary employment must not impose any conflict of interest for the employee or the organisation. The union must be satisfied that any potential work health and safety issues due to secondary employment would not pose a risk for the employee or the organisation.

### **6. Consultation**

- 6.1 The Union is committed to consulting employees about achieving the Union's goals and objectives, as well as workplace changes.
- 6.2 Following Union Committee meetings, the Secretary (or a nominee) will report to employees about any workplace issues.

### **7. The Rights of Workplace Representatives**

- 7.1 The Union recognises the critical role of workplace representatives to assist and protect the interests of members.
- 7.2 The rights of workplace representatives include:
- the right to perform their role as workplace representatives without any discrimination in their employment from management
  - the right to speak on behalf of employees in their workplace
  - the right to bargain collectively on behalf of employees
  - the right to consult and access reasonable information about the workplace
  - the right to access Union facilities to distribute Union material and request feedback
  - the right to reimbursement for expenses incurred in representing the interests of employees in the workplace and other Union Sub-Branches
  - the right to call meetings with members and management in the workplace
- 7.3 Workplace representatives should ensure that they comply with the Union Rules and the policies of the workplace when acting on behalf of members.

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### **8. Performance Management**

- 8.1 Employees are critical to the success of the Union in meeting its objectives and goals. The elected leadership is accountable to the membership for setting and meeting these goals and objectives.
- 8.2 The Union will ensure that employees have:
- a clear goal plan; that the tasks to be performed are realistic for the expected timeframe and outcome; and
  - a clear direction on how the work is to be done and to what standard.
- 8.3 The Union will assist employees by:
- communicating their needs effectively;
  - providing training; and
  - recognising an employee's good performance.
- 8.4 Managers and supervisors are responsible for reviewing performance and conduct regularly and providing training where needed.
- 8.5 Where managers and supervisors identify unsatisfactory performance or conduct, clause 10 – Unsatisfactory Performance or Conduct - of this policy will apply.

### **9. Wage Increases**

- 9.1 Wage increases granted due to work performance, or wage increases associated with incremental progression on the salary scale, will only be paid when a letter from the Secretary authorising the pay increase and a written performance appraisal, have been supplied to the Chief Financial Officer, to be placed on the employee's personnel file.

### **10. Management of Unsatisfactory Performance**

- 10.1 Where a supervisor forms the view that the performance of an employee is unsatisfactory, the employee will be:
- (a) Advised in writing of the deficiencies in performance and the performance standard required; and
  - (b) Provided with an opportunity to respond to the concerns and to raise any mitigating circumstances.
- 10.2 If, after the employee has had an opportunity to respond, the supervisor still has concerns about the employee's performance, the employee will be given a reasonable period of time to improve performance to the standard required. The employee will be advised that they may be terminated if they do not meet the required standard.
- 10.3 Where the supervisor believes that the employee's performance remains unsatisfactory following the steps set out in clauses 10.1 and 10.2, the supervisor will advise the employee

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in writing of the deficiencies in performance, and of any further proposed action. This may include the termination of the employee.

10.4 At all times throughout this process the employee is entitled to be represented by a person of their choice.

10.5 All copies of documentation must be retained on the employee's personnel file.

## **11. Management of Allegations of Misconduct or Serious Misconduct**

11.1 Serious misconduct could result in dismissal and may include, but is not limited to:

11.1.1 Theft or fraud;

11.1.2 conduct that causes serious and imminent risk to the health and safety of a person;

11.1.3 assault;

11.1.4 criminal activity;

11.1.5 improperly accessing personal information about members or employees of the Union;

11.1.6 a serious breach of trust;

11.1.7 refusing to follow a reasonable instruction that is consistent with the employee's contract of employment;

11.1.8 conduct that causes serious and imminent risk to the reputation, viability or profitability of the Union;

11.1.9 wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;

11.1.10 The employee being intoxicated at work.

11.2 Where an allegation(s) of misconduct or serious misconduct (serious misconduct is defined in reg. 1.07 of the *Fair Work Relations 2009*) is made against an employee the Secretary of the HSU will be notified. The Secretary (or his or her delegate) will provide the employee with the details of the allegation(s) of misconduct or serious misconduct in writing and the employee will be given an opportunity to respond to the allegation(s) and to raise any mitigating circumstances.

11.3 The HSU may conduct such inquiries as it thinks appropriate for the purposes of determining whether the misconduct or serious misconduct occurred.

11.4 Where an allegation(s) of misconduct or serious misconduct has been made against an employee, the HSU may direct the employee to be absent from the workplace on full pay pending the resolution of the matter.

11.5 The Secretary (or his or her delegate) will consider the employee's response, and any other relevant material, and determine what disciplinary action (up to and including termination) is to be taken.

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11.6 At all times throughout this process the employee is entitled to be represented by a person of their choice.

**12. Dispute Resolution**

12.1 It is the responsibility of the Union and employees to take reasonable and genuine steps to prevent or settle disputes as soon as possible:

12.1.1 Disagreements should be fully discussed between employees and their supervisor when they occur, and workplace representatives may work with and assist with resolution. Where disagreements cannot be resolved a written record must be made and each party given a copy.

12.1.2 If a safety matter is involved, such as that employees and the work environment are deemed unsafe, suitable alternative work should be found until the issue is resolved.

**PROCEDURE**

12.2 It is important that the affected parties meet as soon as possible to discuss their differences unless it is inappropriate.

12.3 If the issue is not resolved, the dispute must be referred to the Secretary (or nominated delegate).

12.4 If the dispute remains unresolved a mediator will be appointed to assist.

12.5 A mediator can be appointed at any time during the dispute resolution procedure. The mediator must be experienced in workplace disputes and be approved by the parties concerned.

12.6 During the mediation a resolution may be suggested.

12.7 A resolution will require both parties to agree with the mediated or settled outcome.

12.8 Any costs will be met by the Union.

**13 Policy Version Control**

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