



# Employee Obligations Policy and Guidelines

## Current Version

<b>Service Area</b>	Disability, Mental health, Aged Care	<b>Version</b>	1.2
<b>Process Owner</b>	Governance Lead   Clinical Lead	<b>Date of Issue</b>	14 Jan 2023
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## Modification History

Version	Date	Author	Approved by	Description of change
1.0	11/2016	Natashia	Employsure	
1.1	03/2020	Natashia	Employsure	Relationships at Work included Declaring conflicts register included
1.2	1/2023	Natashia	CEO	Formatting change
1.3				

Further to additional Policy Guidelines:

- Complaints and Feedback
- Documentation and Record Keeping
- Emergency Management
- Employment Roles and Responsibilities
- Fraud and Corruption
- Incident Reporting
- Infection Control
- Lines of Reporting
- Risk Management
- Training Performance and Development



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## Duty of Care

### **POLICY STATEMENT:**

National is committed to maintaining and protecting the rights, dignity and interests of client/participants, whilst providing a high standard of quality care.

### **PURPOSE:**

There are ethical and legal obligations imposed upon both National and Employees concerning duty of care. The purpose of this policy is to ensure all parties are reminded of their obligations

### **SCOPE:**

This policy applies to all employees of National

### **POLICY:**

Duty of Care refers to the legal obligation to take responsible care to avoid injury to a client/participant whom, it can be reasonably foreseen, might be injured by an act or omission. A duty of care exists when someone's actions could reasonably be expected to affect other people. Failure to exercise care in that situation may lead to foreseeable injury and liability against the employee.

### **National and Employee are responsible for the following:**

- Conducting self responsibly by complying with all policies and procedures.
- All National employees have a duty and a responsibility to act in an inclusive and respectful manner towards all employees and client/participants this includes, people from different cultures, religious backgrounds, people whom are LGBTI and Aboriginal / Torres Strait islanders.
- All employees are to respect each client/participants legal right to human rights and act as an advocate to safeguard client/participants human rights.
- All employees are to ensure client/participants who are capable to make decisions regarding their health and wellbeing are supported and encouraged to make informed decisions, in their best interest and safeguard their wellbeing and safety.
- Inform National of any client/participant changes. This can include but is not limited to the following: The timeframe allocated for service is not substantial, the client/participant has incurred an injury or illness prior to your arrival or during the time-of-service delivery, medication mishaps, if the client/participant is out of character, if the client/participant or employees are at risk whether it be environmentally, physically, mentally.
- Always be mindful to involve the client/participant and significant others in the decision-making process and to document the action you decide to take, either in case notes or in the form of a report, if appropriate. You are accountable, as a professional worker, for the decisions that you make.
- Documentation is required for all care, to fulfil legal and professional practice requirements it is to be clear and accurate, stating the facts, the date and time, employee signature and designation. E.g. Jane Doe, AIN (or CSW – Community Support Worker/ DSW- Disability Support Worker / RN registered nurse / CC – Clinical Coordinator etc)
- Employees must understand documentation is a permanent record on the interaction between client/participant and carer, this aids in communication between client/participant and families, other service providers, case managers etc and that the employee can be held accountable in a court of law.



- Employees must understand the mandatory reporting requirements they required to adhere to.

**Relevant Legislation and References:**

Freedom of Information Act 1989	Discrimination Act 1991
Health Records (Privacy and Access) Act 1997	Fair Work Act 2009
Working with Vulnerable People Act 2011	Work Health & Safety Act 2011
Human Rights Act 2004	Disability Services Act 1991
Health Professionals Act 2004	Official Visitor Act 2012
Human Rights Commission Act 2005	Territory Records Act 2002
National Disability Insurance Scheme Act 2013	Information Privacy Act 2014



## Privacy & Confidentiality Policy (also see Documents and Record Keeping Policy)

### **POLICY STATEMENT**

National is committed to providing quality; person centred health care in an environment that is respectful of the individual's right to privacy and confidentiality. National respects the privacy of employees and the privacy of patients.

### **SCOPE**

This policy applies to all employees of National and recipients of care.

### **POLICY**

National requires employees to sign a confidentiality clause as a condition of employment, to ensure understanding of and commitment to National's obligation to protect the rights of patients and National's own confidential information.

All client/participant service agreements hold a similar clause to ensure understanding of and commitment of the client/participants obligation to protect the rights of own and National's confidential information.

#### *Employee Responsibilities*

- National employees sign employment contracts acknowledging their legal obligation to upholding privacy and confidentiality at all times. This is extended beyond employment.
- Employees understand the legal consequences in event employee breaches privacy and confidentiality
- Employee will be required to attend an disciplinary meeting to discuss alleged breaches
- Employees are to report any instances where they feel a breach may be occurring by another employee.

#### *Participant Confidentiality*

National is committed to safeguarding the privacy and confidentiality of client/participant information. Employees are required to comply with their obligations under the [Health Records \(Privacy and Access\) Act 1997 \(ACT\)](#). (See *Privacy and Confidentiality Policy*) This obligation includes:

- only obtaining information about patients and their health with the patient's consent
- keeping patient health information secure
- not disclosing patient information without the patient's consent
- allowing the patient to withdraw consent at any stage
- ensuring a process for working with the Office of the Privacy Commissioner to resolve any complaints that cannot be resolved directly with the patient.

National and all employees of National are bound by law, by this policy and by National Code of Conduct to maintain the privacy and confidentiality of patient information. Failure to comply with this policy could result in disciplinary action, up to and including termination. Relevant Legislation and Information. [Health Records \(Privacy and Access\) Act 1997 \(ACT\)](#). [National Privacy Principles](#)



Client/Participant information is only shared with approved client/participant consent across relevant parties which can include plan managers, POA, guardians, coordinators, allied health professions and/or in the event National are obliged by mandatory reporting requirements as outlined in this policy under “use & disclosure” and in addition, within the Mandatory Reporting Policy.

### *Use and Disclosure*

National will not disclose personal information without the express consent of the employee’s and care recipients unless otherwise authorised by law. Personal information collected by National which is no longer required by National and which need not be retained by law will be destroyed.

Personal information will not be disclosed to another party except

- to those the person would reasonably expect the information to be disclosed to AND if a secondary purpose is related to the primary purpose of collection
- if the information is relevant to public health or public safety or for the compilation of statistics
- To those government or regulatory authorities and other organisations, as required or authorised by law including any reportable incident
- to health care settings such as primary responders (Ambulance personnel) and to local Hospitals, to facilitate treatment in such circumstances where personal and health information is required.
- Lastly, If reporting information is necessary to prevent or lessen a serious threat to an individual's life, health or safety, the NDIA will carefully consider the matter and proceed with the urgency required by the circumstances.

A serious threat to life, health or safety could arise when a person is subject to, or at risk of, harm, abuse, neglect or exploitation. Such threats could be physical or emotional, such that the person has suffered or is likely to suffer physical or psychological injury that jeopardises, or is detrimental to their wellbeing.

Whether a serious threat exists, and whether there are reasonable grounds to believe that the disclosure is necessary to prevent or lessen the threat to an individual's health, life or safety are questions of fact to be determined in the individual circumstances of each case. Careful consideration and judgement by National is required

### *Data Quality*

National will take all reasonable steps to ensure that personal information it collects uses or discloses is accurate, complete and up to date.

### *Data Security*

National will take all reasonable steps to ensure that the personal information it collects uses or discloses, from misuse, and loss and from unauthorised access, modification, or disclosure. This includes the implementation of a Cyber Security Policy and appropriate on-shore cyber storage. (See *Documents and Record Keeping Policy*)



National will take reasonable steps to destroy or de-identify personal information if it is no longer needed for any purpose. De-identified personal information is shredded and disposed of to safeguard confidentiality.

#### *Openness*

This policy document will be made available to all employees and care recipients on request.

National will take reasonable steps to disclose to any individual on request what personal information it holds, for what purposes and how it collects, holds and uses that information.

#### *Access and Correction*

National will provide employees and care recipients with access to their information on reasonable request and will provide opportunity to amend information that is not accurate or correct. This includes any participant transitions between service providers to ensure a smooth and successful transition for the participant and providers involved.



## Relationships at Work Policy

### **INTRODUCTION:**

It is the expectation of the Employer that you will carry out your duties with integrity and avoid conflicts between any private interests, specifically personal relationships, and workplace responsibilities.

### **POLICY STATEMENT:**

This policy provides guidelines for family members, domestic partners, significant others, and/or similar personal and consensual relationships, in the workplace.

Personal relationships should not interfere with, be seen to interfere with, or influence practices in the workplace. The Employer expects you to avoid and minimise the likelihood of conflicts arising due to personal relationships. (See Conflict of Interest)

### **PERSONAL RELATIONSHIPS AND THE WORKPLACE:**

Personal relationships can include:

- family relationships (including spouse, children, siblings, cousins, relations by marriage, parents or other close relatives)
- emotional relationships (including sexual relationships and friendships)
- financial relationships (including commercial relationships where pecuniary interest is present)
- Personal relationships may involve you, client/participants, potential client/participants, business associates and work colleagues.

Personal relationships must not interfere with decisions or processes associated with the following:

- selection and promotion of staff
- confirmation of appointment
- performance review
- staff development opportunities

### **CONFLICTING EMPLOYMENT RELATIONSHIPS:**

The Employer permits the employment of qualified family members, domestic partners, significant others and/or similar personal relationship of employees as long as such employment does not create a conflict of interest.

In accordance with the Employer's standard employment policies, the basic criteria for employee selection or promotion shall be appropriate qualifications in terms of education, experience, training and performance, consistent with organisational needs.





Relationships by family, marriage, domestic partnership and/or similar personal relationship shall constitute neither an advantage nor a disadvantage to selection, promotion, salary, or other conditions of employment.

Persons involved in relations will not be rostered on shift together, or oversee the management of.

### *Declaring Potential Conflict of Interest and/or Relationship Status*

The Employer values an environment of inclusion, trust and respect as beneficial for the working and learning environments for all. The Employer acknowledges that romantic or sexual, business and other intimate relationships may develop and/or exist in a work environment. All relationships must be consensual but, even though the relationship is consensual, it can raise serious concerns about the validity of the consent, conflicts of interest, and favouritism.

If you become involved in a situation where a personal relationship may be a source of conflict you should declare any such possible conflict of interest to management. A source of conflict can include where you engage in a relationship with another employee who is in either a direct or indirect supervisory role.

If you become family members, domestic partners, significant others and/or a similar personal relationship, with another employee you may retain your position, provided that you are not the direct or indirect supervisor or under the supervision of the other employee.

If you are involved in a personal relationship and you are in a supervisory position to the other employee, it is your responsibility to advise management. A management plan must be formulated to address the supervisory relationship.

### **UNAVOIDABLE CIRCUMSTANCES:**

If you are unavoidably assigned to a position that creates a co-worker or supervisor-subordinate relationship, the Employer will use its discretion and sound judgement in order to avoid creating a conflict of interest. This can include additional employment with completing providers.

### **RELATIONSHIPS WITH CLIENT/PARTICIPANTS:**

Relationships beyond professional relations with clients/participants is strictly prohibited. When you interact with client/participants, you are frequently in a position of trust and influence. These relationships must not jeopardise the effective functioning the Employer or by the appearance of either favouritism or unfairness in the exercise of professional judgment, boundaries, confidentiality and decision making.

In the event National is engaged to provide an employee's partner/relative with supports, to ensure professional and ethical boundaries are not in breach, the employee will not be approved to provide paid services to said relative under their employment with National.

### **ALLEGATIONS AND INVESTIGATIONS:**

If you, whether or not involved in a personal relationship, believe you have been, or are being, adversely affected you are to raise concerns with management. If you are in a relationship that may



be viewed as harassment or discrimination you should refer to the Grievance and Bullying and Harassment policies or consult management.



## Grievance Procedures Policy

### **POLICY STATEMENT**

National is committed to providing a harmonious work environment and will actively work to resolve grievances and complaints as quickly if possible.

### **SCOPE**

This policy applies to all employees of National.

### **POLICY**

Most routine complaints and grievances are best resolved informally in discussion with National. Dealing with grievances in this way can often lead to a rapid resolution of problems.

Where the grievance cannot be resolved informally, it should be dealt with under the formal grievance procedure outlined in the relevant Industrial Award or Agreement (*the Award*).

National engage an external independent service 'Employsure' for 24/7 employment advice on all performance management, serious concerns and grievance matters. This process ensures an unbiased approach to any matters raised with a professional approach in line with the relevant legislation and operating awards.

The procedures for settlement of grievances while in the employ of National are as follows:

- The employee shall contact National and advise of the grievance or dispute in question. National will record all relevant details in writing and attempt an immediate resolution of the issue. The details of the discussion will be placed on file and a copy provided to the employee.
- If the dispute remains unresolved both parties will meet with a third party as mediator. A record of the meeting will be placed on file and a copy provided to the employee.
- If resolution is not achieved, then another meeting will be held with a mediator present. A record of the meeting will be placed on file and a copy provided to the employee.
- At all stages of the resolution process either party has the right to appoint another party to act on their behalf in an effort to resolve the matter.
- All parties commit to the pursuit of resolution of any matter in dispute in good faith and will continue to fulfil their respective obligations during the dispute resolution process.

### **Relevant references**

Nurses Award 2010

Social,Community,Home Care and Disability Services Industry Award 2010

[Employsure](#) | [Free Initial Advice](#) | [Workplace Relations & WHS Specialists](#)



## Workplace Bullying & Harassment Policy

### INTRODUCTION

National is committed to the provision of a fair, healthy and safe workplace in which everyone is treated with dignity and respect and in which no individual or group feels bullied, threatened or intimidated.

Bullying or harassment in any form is unacceptable behaviour and will not be permitted or condoned.

We recognise that bullying and harassment can exist in the workplace, as well as outside, and that this can seriously affect workers' working lives by detracting from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

### HARASSMENT

The intention of these procedures are to inform workers of the type of behaviour that is unacceptable and to provide procedural guidance.

We recognise that we have a duty to implement this policy and all workers are expected to comply with it.

Harassment is any unwanted physical, verbal or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A single incident of unwanted or offensive behaviour can amount to harassment.

Harassment can take many forms and individuals may not always realise that their behaviour constitutes harassment. Examples of harassment include:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- displaying abusive or offensive writing or material;
- unwelcome touching; and
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of harassment. Appropriate action in relation to an employee will include disciplinary action in accordance with National's disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with National.

### BULLYING



Bullying is repeated, offensive, abusive, intimidating, insulting or unreasonable behaviour directed towards an individual or a group, which makes the recipient(s) feel threatened, humiliated or vulnerable. Note single incidents of bullying will not be tolerated.

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

Bullying can be a form of harassment and can cause an individual to suffer negative physical and mental effects.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- abusive, insulting or offensive language or comments;
- unjustified criticism or complaints;
- physical or emotional threats;
- deliberate exclusion from workplace activities;
- the spreading of misinformation or malicious rumours; and
- the denial of access to information, supervision or resources such that it has a detrimental impact on the individual or group.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of bullying. Appropriate action in relation to an employee will include disciplinary action in accordance with National's disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with National.

### *Bullying and Harassment Complaint Procedures*

#### **Advisement Service**

National engage an external independent service 'Employsure' for 24/7 employment advise on all performance management, serious concerns and grievance matters such as bullying and harassment. This process ensures an unbiased approach to any matters raised with a professional approach in line with the relevant legislation and operating awards to ensure positive outcomes.

#### **Informal complaint**

We recognise that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.

If you are the victim of minor bullying or harassment you should make it clear to the alleged bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If you



feel unable to do this verbally then you should hand a written request to the individual, and your confidential helper can assist you in this.

### **Formal complaint**

Where the informal approach fails or if the bullying or harassment is more serious, you should bring the matter to the attention of management as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the bullying or harassment so that the written complaint can include:

- the name of the alleged bully or harasser;
- the nature of the alleged incident of bullying or harassment;
- the dates and times when the alleged incident of bullying or harassment occurred;
- the names of any witnesses; and
- any action already taken by you to stop the alleged bullying or harassment.

On receipt of a formal complaint, we will take action to separate you from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or harasser to another work area or suspension of employees (with contractual pay) until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend.

Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a report of the findings and of the investigator's decision will be sent, in writing, to you and to the alleged bully or harasser.

### **GENERAL NOTES**

If the report concludes that the allegation is well founded, appropriate action will be taken against the bully or harasser.

If you bring a complaint of bullying or harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, appropriate action will be taken against you. Appropriate action in relation to an employee will include disciplinary action in accordance with National's disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with National.



## Smoking, Gambling, Alcohol & Drugs Policy

### **POLICY STATEMENT**

National have a vested interest in the wellbeing of all employees and clients. Safety is our utmost priority.

### **SCOPE**

This policy applies to all employees of National.

### **POLICY**

Whilst working or on meal breaks National expressly prohibits employees to be under the influence of, or in possession of illegal or non-prescription drugs of any kind.

If an employee is taking medication, either prescription or over the counter medication, that has the potential to adversely impact on safety, they must notify National. The employee is not required to reveal the nature of the condition being treated or the type of medication, only that they are taking medication that has the potential to adversely impact upon safety.

All ACT Healthcare settings prohibit smoking on premises and this is extended to employees on any client/participant premises and all SIL property 'house rules' will also reflect this rule.

The consumption of alcohol during work hours (including meal breaks and rest pauses) is not permitted. Breaching these provisions can result in dismissal or disciplinary action.

National does not support the use of alcohol or drugs outside working hours where the effects of these substances may result in impaired work performance. If an employee arrives at work under the influence of drugs or alcohol, they will be sent home for the day without pay. Repeated instances of arriving at work under the influence of drugs or alcohol may result in termination.

National prohibits employees to participate in gambling of any kind while working and/or on behalf of the client/participant unless previously approved and client/participant care plan clearly stipulates the parameters in which this would occur.