



INDUSTRIAL RELATIONS STRATEGY

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1. Equal employment opportunity

Kingfisher Garden Centre abides by the following Equal Employment Opportunity (EEO) legislation.

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Workplace Gender Equality Act 2012
- Work Health and Safety Act 2011

We take active steps to avoid direct and indirect discrimination and ensure employees and customers are treated fairly.

Kingfisher Garden Centre does not base its employment practices on:

- Race
- Gender
- Colour
- Religion
- Sexual orientation
- National origin or ethnicity
- Disability
- Marital or family status
- Political beliefs
- Lawful religious beliefs or activity
- Physical features
- Pregnancy (potential or otherwise)
- Lawful sexual activity
- Breastfeeding
- Personal association with people identified by the references in the attributes mentioned above

Unlawful grounds are not limited to the mentioned points.

In addition, managers are also responsible for the following.

- Providing an environment that encourages equal employment opportunities in the workplace and setting examples by their own behaviour.
- Ensuring that all decisions regarding employment, contractor engagement, career development and promotions are based on matters without reference to any matter other than a person's ability to carry out a job.
- Providing consistent support and guidance to all employees and contractors according to EEO principles and practices.
- Addressing matters that do not comply with EEO and rectifying them as promptly as possible.

2. Family/work relationships

Kingfisher Garden Centre supports a diverse and inclusive workforce and recognises that many of its employees require working arrangements that are outside of the traditional full-time work structure.

The purpose of this policy and procedure is to allow greater flexibility for Kingfisher Garden Centre employees who require flexible work arrangements to suit their circumstances.

This policy abides with legislation in the Fair Work Act and the principles of the NES. As such, this policy applies to all employees of Kingfisher Garden Centre who have completed at least 12 months' service and includes casual employees who have had regular employment for at least that period and have a reasonable expectation of continued work.

The policy applies where:

- the employee is the parent, or has responsibility for the care, of a child who is of school age or younger
- the employee has a disability
- the employee is 55 or older.

Parents/employees responsible for the care of a child

Parents and employees who have responsibility for the care of a child who are returning to work after a period of birth or adoption-related leave may specifically request part-time working arrangements. This is in addition to the general right to request flexible work arrangements contained above.

Short-term or future flexible work requests

Where an employee foresees the possibility of assuming caring responsibilities in the short to medium term, employees should consult with their immediate manager as soon as practicable, in order to allow sufficient time for planning and discussions regarding appropriate flexible work measures. During such discussions, employers may request evidence of the need to request flexible working arrangements.

Making a request

Any request for flexible working arrangements must be made to the employee's manager and be approved by HR. The request must be in writing, set out details of the change sought and provide details of the reasons for the change.

Approving a request

Once submitted in writing, a response will be given within two business weeks.

The manager or HR department has the right to deny a request on reasonable business grounds, which may include the following.

- It's too costly for the business to implement.
- The new working arrangements would be likely to result in a significant loss in efficiency or productivity to the business.

A flexible working arrangement may result in a reduction in pay (e.g., if fewer hours are worked overall and/or at the times attracting extra penalties), paid leave (e.g., a reduction in weekly hours may affect leave payments) and termination pay (e.g., redundancy and notice payments will be calculated on pay rates as at termination date).

3. Discrimination, harassment and bullying

Kingfisher Garden Centre is committed to providing a workplace free from discrimination, harassment and bullying. Behaviour that constitutes discrimination, harassment or bullying will not be tolerated and will lead to action being taken, which may include dismissal.

For the purpose of this policy, the following definitions apply.

- Direct discrimination occurs when someone is treated unfavourably because of a personal characteristic that is protected under law.
- Indirect discrimination occurs when a rule seems neutral, but has a discriminatory impact on certain people.
- Sexual harassment includes unwelcome conduct of a sexual nature in circumstances in which it could reasonably be expected to make a person feel offended, humiliated or intimidated.
- Workplace bullying may include behaviour that is directed toward an employee, or group of employees, that creates a risk to health and safety (e.g., physical and/or verbal abuse, excluding or isolating individuals, or giving an employee impossible tasks.)

Kingfisher Garden Centre does not tolerate any type of harassment that interferes with another person's work performance, or an individual's participation in programs, or in any way creates a hostile work or training environment. We take measures to prevent harassment at the workplace.

Any complaints received will be promptly reported and investigated. All complaints are scrutinised on a fair and confidential basis. In compliance with the EEO Act and in commitment to the points mentioned, Kingfisher Garden Centre treats all of its customers, contractors and colleagues with respect and professionalism without regard to irrelevant distinctions.

All staff and contractors are informed of Kingfisher's policies during their employment induction. Breaches of this policy by an employee can result in termination of employment.

Kingfisher encourages all employees and contractors to report incidences of bullying and will ensure that anyone who makes a complaint is not victimised or harassed for doing so.

Complaints should be made directly to the employee's direct manager or to the human resource manager.

Possible outcomes of an investigation could include any of the following.

- Disciplinary action to be taken against the perpetrator
- Staff training
- Additional training for the perpetrator or all staff, as appropriate
- Counselling for the complainant
- An apology

4. Diversity

Kingfisher Garden Centre is committed to establishing policies and procedures that promote diversity and inclusion. Diversity includes but is not limited to age, gender, race, religion, sexual preference and parental status.

The goals of our diversity policy are:

- to ensure that all employees are treated fairly
- to attract and retain a diverse pool of candidates for all positions
- to ensure we comply with current legislation
- to develop measurable objectives to monitor progress towards diversity.

Kingfisher Garden Centre recognises that diversity benefits the organisation and its stakeholders. Diversity practices help ensure the best person gets the job, increase staff morale and retention, and increase innovation and customer service standards.

Policy aim

This policy aims to remove bias and prejudice and reduce barriers to workforce entry and promotion that certain people or groups may experience. Kingfisher Garden Centre wants to develop an inclusive workplace culture where people are treated fairly and with respect.

Policy scope

This policy applies to all staff and prospective employees of Kingfisher Garden Centre, whether directly employed on a full-time, part-time or casual basis and includes employees on a contract basis.

Diversity strategies

Kingfisher Garden Centre has a number of strategies in place to accommodate a diverse workforce.

We aim to recruit people from a broad social and cultural background.

Kingfisher Garden Centre has two scholarship programs: one for young women entering the workforce to access trainee leadership positions, and one for Aboriginal and Torres Strait Islanders.

Kingfisher Garden Centre abides by all relevant legislation and seeks to regularly update and review policies and practices to improve diversity outcomes.

All new employees are given a copy of the diversity policy during the induction program.

Kingfisher Garden Centre provides a safe and pleasant environment for our employees.

We offer the following benefits and programs.

- Flexible work arrangements, according to the NES (National Employment Standards).
- Employee education assistance.
- Open communications through regular staff meetings and use of the company intranet.
- Mentoring programs.
- The diversity policy can be found on the staff intranet and a summary version on the company website.
- Employees receive training during their induction. A copy of the policy is in the Employee Handbook.

Management has a duty of care to ensure all staff are made aware of the diversity policy and given adequate training. Management is also expected to model high standards of behaviour in respect to diversity and actively promote the benefits of diversity in the workplace.

5. Grievances and complaints

Kingfisher Garden Centre is committed to resolving problems and complaints that may arise from staff. If any employee believes the behaviour or actions of another staff member has, or is likely to have, an unreasonably negative impact on them or their ability to perform their job, then they can lodge a grievance. The grievance process is clear and fair to staff.

We are an equal opportunity employer and committed to creating an inclusive and harmonious working environment. We do not tolerate discrimination, bullying, harassment or victimisation of staff.

We attempt to resolve employee complaints as quickly as possible and support a fair and equitable process. No assumptions are made or actions taken until all relevant information has been collected and all parties have access to support should they need it. Anyone unhappy with the outcome or decision made has an opportunity to appeal.

All people involved in handling the grievance will treat the matter in the strictest confidence. No information will be released to a third party without the written consent from those involved.

Step 1: Define your grievance

You should consider the nature of your grievance or complaint as it can affect the steps you will take to resolve it. Is the problem one that is discrimination, bullying or harassment? It could be a combination of one or all of these.

Step 2: Consider resolving the complaint yourself

Have you informed the person/s of the problem? Are they aware of the problem? Where possible, try to tackle the problem yourself first. Sometimes people behave inappropriately without realising what they are doing. Advising them that their behaviour is inappropriate and/or hurtful may be enough to stop the behaviour from occurring again.

Step 3: Report your complaint

If you were unable to, or it was inappropriate to resolve the complaint yourself, you can report the complaint to HR. HR employees are trained in resolving problems and grievances with skill.

You will be advised on your options from here. This can include making a written report, contacting all parties involved and mediating a discussion. HR will consider all evidence and make a decision on the outcome, of which you will be informed in writing.

Remedies or actions taken to resolve the complaint can include: a written warning, further training, demotion and termination of employment.

Confidentiality

All complaints will be kept private and confidential.

6. Appeals process

If an employee is dissatisfied with the investigation or outcome of a complaint or grievance, they have a legal right to appeal.

Alternative dispute resolution (ADR) processes Kingfisher may recommend include:

- Mediation
- Conciliation
- Arbitration

Kingfisher refers to the Fair Work Commission's 'Best Practice Guide: Effective dispute resolution' for guidance when dealing with grievances and appeals.

Step 1 – Submit the complaint in writing

Step 2 – Investigation

All parties will be contacted and asked to respond to the complaint and provide evidence.

Step 3 – Mediation or conciliation

This means a face-to-face meeting is called (it may be held via telephone or internet) where all parties have a chance to present their case under the guidance of Commission staff.

Step 4 – Further action

If unresolved, or if either party is unsatisfied with the outcome, further action may be taken and submitted to the relevant courts or tribunals for a final resolution.

At any stage in the process, an employee can also choose to engage personal legal representation. This can involve suing the company or its representatives. This means the case bypasses the tribunals and goes straight to the relevant court.

7. Recruitment

Appointments to vacant positions may be made on a permanent or fixed-term (contract) basis subject to organisational needs and at the discretion of the managing director on receipt of the approved employee requisition form.

Fixed-term (contract) employment contracts cannot exceed five years.

A new staff member may not commence employment on the terms and conditions of the offer without having signed and returned the offer of employment.

An employee being transferred to a new position or location and/or undertaking new functions must be inducted by the department manager/supervisor into the practices and requirements of the new department. This induction may include the following.

- Administration requirements, e.g., reporting needs, access to information, etc.
- WHS rules, emergency evacuation procedures, first aid locations, etc.
- New work duties and the expected performance requirements, authorities and responsibilities.

Applicants should be assessed for who they are, not whom their résumé says they are; successful applicants will exhibit qualities which reinforce Kingfisher's culture and aid the achievement of job-related KPIs.

Kingfisher employs on merit and recognises the value that a diverse workforce can bring to the organisation and our customers. As such, we comply with all areas of equal opportunity and anti-discrimination legislation.

8. Induction

Every Kingfisher Garden Centre employee will be provided with, and must complete, induction training. Further induction training relevant to an individual's role may also be provided and required to be completed as part of the induction process.

Procedure

The new employee's manager must refer to the induction checklist for the steps to follow for the induction of a new staff member. This should be done during the recruitment process so that adequate preparation can occur.

Once the signed letter of offer has been received, the manager must advise HR to prepare the Employment Pack with all necessary employment documentation. HR will then send this to the new employee for completion, and then forward all relevant completed documentation to Payroll.

The Employment Pack consists of the following documents.

- Employment contract
- Position description
- Employee details form
- Tax file declaration form
- Logon and access details to the company intranet (which contains the Kingfisher employee relations strategy and related procedures)
- Code of conduct
- Privacy policy
- Fair work information statement

9. Termination of employment

Kingfisher Garden Centre recognises unfair dismissal as a potential risk. To ensure that it follows due process and complies with the law, managers are expected to comply with this procedure.

- Manager should immediately arrange a meeting with the employee. Advise them that they can have a support person present during the meeting.
- At the meeting, present the employee with all facts and evidence surrounding the alleged misconduct, including notes taken from any interviews.
- The employee must be given the opportunity to respond and explain their actions. This can be done verbally in the meeting or through a written explanation later.
- After receiving the employee's response, the investigating manager must draft a written response to the employee confirming the facts/evidence from both parties.
- The investigating manager has one to three business days to consider all evidence (witness statements, employee's explanation, etc.). If it is determined that the employee has engaged in serious misconduct, their employment may be terminated without notice. This must be confirmed in writing.

Kingfisher Garden Centre may lawfully terminate an employee without notice in the following situations.

- The employee engages in theft, fraud or assault.
- The employee wilfully or deliberately exhibits behaviour which goes against their employment contract.
- The employee's conduct causes serious and imminent risk to someone's health/safety or the business's reputation, viability or profitability.
- The employee is under the influence of an intoxicating liquor or drug and so impaired that they are unfit for work. The exception to this is if the drug was administered by or taken due to the direction of someone lawfully authorised to do so, such as a GP.