

Australian Afghan Hassanian Youth Association Handbook

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Draft

Introduction

The Australian Afghan Hassanian Youth Association Policies and Procedures within this Handbook (**Policies and Procedures**) apply to all employees, contractors, subcontractors, volunteers and visitors (as relevant, or as specified) (together, **Workers/you**) of the Australian Afghan Hassanian Youth Association Inc (**AAHYA**).

The Policies and Procedures are not incorporated terms of any Workers' employment contract or contract of engagement (as relevant) and do not give rise to contractually enforceable entitlements.

AAHYA retains a discretion to apply the Policies and Procedures as it deems to be appropriate having regard to the particular circumstances.

Any failure by a Worker to comply with these Policies and Procedures may give rise to disciplinary action up to and including termination of employment or engagement (as relevant).

Workers are required to sign the acknowledgment below confirming they have read, understood and agree to comply with AAHYA's Policies and Procedures. Workers should return a scanned copy signed and retain the original for their records.

If Workers have any questions in relation to the content of these Policies and Procedures, please contact Sayeed Karimi on 0421 567 397 or aahya.org@gmail.com.

Sayeed Karimi
President

Acknowledgement

I confirm that I have read, understood and will comply with AAHYA's Policies and Procedures. I also confirm I understand that a breach of these Policies and Procedures may result in disciplinary action up to and including termination of employment and/or engagement (as relevant).

Name:

Date:

Appropriate Workplace Behaviour Policy

Overview

AAHYA respects and values the diversity of our workforce and believes that all people have a right to be treated fairly. AAHYA is committed to the prevention of any form of unlawful discrimination, harassment, bullying or victimisation. AAHYA considers these to be unacceptable forms of behaviour and will not tolerate such behaviour under any circumstances.

You should therefore take particular note of how “inappropriate behaviour” is explained in this policy and you must ensure that you do not engage in any of this conduct. You should take note of the reporting procedure set out in this policy and make sure you report any incidents of inappropriate behaviour.

Scope

The policy applies to all Workers. This policy applies when you are away from work for business related purposes, away from work with members of AAHYA, at AAHYA’s sponsored events or at other functions away from AAHYA’s premises. It is intended to cover the following:

- (a) what is meant by equal employment opportunity (**EEO**), discrimination, harassment, victimisation and bullying;
- (b) the responsibilities of each person;
- (c) what to do if you believe you are being bullied, harassed, victimised or discriminated against; and
- (d) the potential outcomes if employees engage in inappropriate behaviour.

You must take this policy seriously. A breach of this policy may result in disciplinary action, up to and including the termination of your employment or engagement (as relevant).

Definitions

Equal employment opportunity - means providing a workplace where decisions are based on individual performance, merit and ability. To ensure that this occurs, it is necessary to identify, discourage and prevent any occurrence of unlawful discrimination, harassment, bullying or victimisation within the work environment. The meaning of discrimination, harassment, bullying and victimisation is explained below.

EEO principles must be strictly adhered to in all aspects that may arise in the employment relationship including recruitment, access to jobs, promotions, selection for training, transfers, secondments, terminations, performance reviews and remuneration. In making decisions on these matters you must not allow your judgment to be influenced negatively by the fact that a person may have one or more of the attributes or characteristics set out below.

Discrimination - may be direct or indirect. Direct discrimination occurs when a person is treated less favourably than another due to a specific attribute or characteristic. Indirect discrimination occurs when a person with an attribute or characteristic cannot comply with a particular policy or condition, with which the majority of persons not having that attribute or characteristic or having a different attribute or characteristic are able to comply (and that policy or condition is unreasonable).

Discrimination is unlawful under State, Territory and Federal anti-discrimination legislation, including the *Anti-Discrimination Act 1977* (NSW), *Equal Opportunity Act 2010* (Vic); *Equal Opportunity Act 1984* (SA), *Discrimination Act 1991* (ACT), *Anti-Discrimination Act 1991* (Qld), *Sex Discrimination Act 1984* (Cth), *Disability Discrimination Act 1992* (Cth), *Age Discrimination Act 2004* (Cth), *Racial Discrimination Act 1975* (Cth) and the *Fair Work Act 2009* (Cth) (**FW Act**) as amended from time to time (collectively **Anti-Discrimination Legislation**).

Workers can be liable for unlawful conduct in their personal capacity.

Sexual harassment - is any verbal, written, visual or physical behaviour of a sexual nature that is unwelcome and uninvited where the harasser, in all the circumstances, should have anticipated the possibility that the other person would be offended, humiliated or intimidated.

You do not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of your behaviour for this conduct to be against the law. Depending on the circumstances, the following kinds of behaviour may be deemed sexual harassment:

- (a) jokes or cartoons about someone's appearance, body shape, or any of the personal matter that may cause embarrassment and make people feel uncomfortable;
- (b) sexual or physical contact such as putting your arm around someone, slapping them, kissing, touching or patting them;
- (c) staring or leering in a sexual manner (looking someone up and down);
- (d) standing too close to someone or brushing him or her as you walk past;
- (e) verbal abuse or comments that put down or stereotype people because of their sex, appearance or sexual preference. These gestures may not need to be obviously crude for the behaviour to be deemed sexual harassment;
- (f) offensive gestures and "wolf" whistling;
- (g) displaying in the workplace or in personal belongings material that is sexist, sexually explicit or homophobic (anti-gay). This includes offensive emails, screensavers or PC wallpaper;
- (h) repeated sexual invitations when the person invited has refused similar invitations before; and
- (i) intrusive questions or remarks about a person's sexual activities or private life.

Sexual assault and rape are criminal offences which, if they occur, will be placed in the hands of the police.

Other forms of harassment – in addition to sexual harassment, harassment on the grounds of the following attributes is also unlawful:

- (a) **Disability and impairment harassment** – includes making comments about a person's disability, isolating a person because they are disabled, or not including them in office functions because they are disabled.
- (b) **Racial harassment or vilification harassment** - includes making comments about a person's race, racial characteristics or place of origin. It also includes isolating a person because of

their race, racial characteristics or place of origin or not including them in office functions for any of those reasons.

Victimisation - occurs when a person is treated or threatened to be treated in an adverse manner as a result of making or threatening to make an EEO complaint. Victimisation also occurs when there is adverse treatment because a person has supported the EEO complaint of another person. As with unlawful discrimination generally, motive is irrelevant. A complaint of victimisation can be successful even if the underlying EEO complaint does not succeed.

It is unacceptable and against the law for any person to be treated differently for the reason that he or she decided to exercise his or her legal rights under EEO laws or to help someone else to do the same.

Bullying - is repeated, unreasonable behaviour directed towards a worker or group of workers, that creates a risk to health and safety.

The following types of behaviour, where repeated as part of a pattern of behaviour, would be considered to be “bullying”:

- (a) verbal abuse;
- (b) the use of offensive language;
- (c) excluding or isolating employees;
- (d) persistent teasing, joking or holding a person up to ridicule;
- (e) repeatedly speaking to a manager or employee in a manner which is sarcastic or designed to humiliate;
- (f) repeatedly sending offensive or humiliating emails;
- (g) assigning meaningless tasks unrelated to the job;
- (h) deliberately changing working hours to inconvenience particular employees;
- (i) deliberately withholding information that is vital for effective work performance; or
- (j) sabotaging another employee’s work.

However, legitimate and appropriate actions to manage workplace performance or discipline a staff member for misconduct do not constitute workplace bullying. Some instances of bullying will also amount to unlawful discrimination and/or harassment.

Grievance handling procedure

If you think you are being unlawfully discriminated against, bullied, victimised, harassed or made to feel uncomfortable at work by an employee, colleague, client or other individual, you have the legal right to speak out to try to stop it happening. AAHYA strongly encourages staff to report incidents of inappropriate conduct including workplace bullying or occupational violence, even though reporting is voluntary and not mandatory. In the event that you are subjected to such behaviour, you should follow this process:

1. Tell the other person to stop

If you feel comfortable doing so, you should advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour.

2. Report your complaint

If the behaviour is recurring, or if you are not comfortable raising the matter directly with the alleged perpetrator, you should make a report to the Public Officer, Sayed Rezamoosawi (or, if your complaint is against the Public Officer, then you should complain to Sayeed Karimi, President, in the first instance), who will determine the appropriate process to address the complaint.

3. Investigation of complaint

If a complaint is to be investigated, both the alleged victim and the alleged perpetrator will be afforded natural justice. This means that:

- (a) complaints will be investigated promptly;
- (b) the allegations will be put to the alleged perpetrator; and
- (c) each party will be given a fair opportunity to express their version of events.

4. No victimisation of a complainant

It is unlawful to victimise a person for raising a genuine complaint of inappropriate workplace behaviour.

External Avenues

If a Worker is not satisfied with the way in which the complaint has been dealt with, they may seek further advice from an external agency such as:

- (a) the Australian Human Rights Commission, which investigates complaints about discrimination and human rights breaches. Contact details and the complaint process for the Australian Human Rights Commission are accessible at the following link: <https://humanrights.gov.au/complaints>;
- (b) the Fair Work Commission, which has the jurisdiction to make a “stop bullying order”. Contact details for the Fair Work Commission are accessible at the following link: <https://www.fwc.gov.au/about-us/contact-us>; and
- (c) the safety regulator in your State or Territory, which is responsible for regulating and enforcing work health and safety legislation. Details of the safety regulators in your state or territory are listed at the following link: <https://www.safeworkaustralia.gov.au/whs-authorities-contact-information>.

Consequences of breaching this policy

Any person who has been found to have discriminated, bullied, harassed or victimised another person may be disciplined. Such a finding may only be made after an investigation has been carried out under this policy. The discipline will be appropriate to the severity of the offence, but may involve either a warning or termination of employment or engagement (as relevant).

In some cases the unwelcome behaviour may be unfair but not against the law. In some cases it may not be possible to substantiate the complaint. In all cases your complaint will be treated seriously and will be thoroughly investigated and the outcome notified to you.

Disciplinary procedure

Depending on the circumstances of a particular case the corrective or disciplinary action taken in respect of an employee may include the following:

- (a) counselling session;
- (b) verbal warning;
- (c) written warning;
- (d) demotion; or
- (e) termination of employment or engagement (as relevant).

General

All file notes relating to the complaint will be kept confidential to the extent possible and noting disclosure of some aspects of a complaint will be necessary for the purposes of an investigation. Only staff involved in particular processes under this policy will have access to the files. Participants to an investigation will be required to maintain confidentiality.

Any person who has been found to have made a complaint that is vexatious or based on facts that the person ought reasonably to believe to be untrue will also be subject to disciplinary action.

Workplace Health and Safety Policy.

Overview

AAHYA is committed to ensuring work health and safety (**WHS**) to the extent reasonably practicable for Workers. It is also expected that Workers care for the health and safety of themselves and other Workers and contribute to maintaining a safe workplace at all times.

Scope

This policy applies to all Workers while they are:

- (a) in a workplace under AAHYA's management and control (including vehicles);
- (b) performing work in the conduct of AAHYA's business (including at a site away from their usual workplace and work-related travel).

Protecting Workers

In accordance with WHS legislation, AAHYA aims to eliminate risks in the workplace or, where this is not possible, reduce any risk as far as reasonably practicable.

AAHYA promotes a safe workplace and safe work practices in a number of ways:

- (a) **training and information:** Workers receive training and information about safe work practices and are encouraged to read and understand AAHYA's policies and procedures dealing with workplace safety;
- (b) **monitoring and auditing:** AAHYA continually monitors and identifies potential workplace health and safety issues and develop strategies for dealing with them. AAHYA also audits its WHS systems;
- (c) **communication:** AAHYA and its Workers are encouraged to exchange information about the risks to health and safety and measures that should be taken to either eliminate or reduce these risks as far as possible;
- (d) **representation:** Workers are encouraged to raise all WHS issues with AAHYA's safety representative as appointed from time to time. If Workers believe a contravention of the work health and safety legislation has occurred or is occurring, the first step should be to report this to their manager; and
- (e) **first aid:** The first aid officer is Sayeed Karimi, President. You will find a first aid kit next to the kitchen.

Reporting incidents

All workplace accidents, near-misses, injuries, illness or damage must be reported to the Worker's manager or AAHYA's safety representative as appointed from time to time.

Consultation about WHS issues

As far as is reasonably practicable, AAHYA will consult with Workers in relation to WHS matters in the workplace.

Worker's responsibilities

A safe working culture is the responsibility of everyone and this can be best achieved through the cooperative efforts of all. This involves being proactive about WHS issues and also responding quickly and appropriately if an incident does occur.

Whilst AAHYA is required to maintain a safe and healthy work environment, Workers are also expected to take reasonable care for their own health and safety and that of others by:

- (a) complying with WHS policies, procedures and instructions;
- (b) taking care for their own health and safety and the health and safety of others who may be affected by their actions;
- (c) taking action to avoid, eliminate or minimise hazards;
- (d) reporting all known or observed hazards to the appropriate person;
- (e) reporting immediately any work-related injury to or 'near-miss' incident to the appropriate person;
- (f) actively participating in the management of WHS risks;
- (g) not wilfully placing at risk the health, safety or well-being of others at the workplace; and
- (h) being familiar with emergency and evacuation procedures and cooperating with directions from emergency or evacuation wardens.

Emergency procedures

Workers must maintain an awareness of and comply with office evacuation and emergency procedures.

Remuneration and Benefits Policy

Overview

This policy is to establish AAHYA's procedures for employee remuneration and benefits.

Payment

Wages are processed fortnightly.

Employees will receive a payslip showing how the total amount of pay has been calculated. It will also show the deductions that have been made and the reasons for them, for example, tax and agreed deductions.

Any pay queries should be raised with Sayeed Karimi, President. Your pay is to be kept confidential and you should not discuss it with other employees.

Tax

AAHYA uses a Single Touch Payroll enabled payroll system. As a result, you will not receive a payment summary at the end of the financial year. However, you will be able to view your payment information in the Australian Taxation Office's online services. For more information, please visit its website:

<https://www.ato.gov.au>

Superannuation

Superannuation contributions will be made on your behalf into your chosen compliant superannuation fund, or AAHYA's default fund, in accordance with legislation.

Learning and Development Policy

Overview

This policy sets out the learning and development procedures and guidelines for Workers of AAHYA.

Beginning of Employment

At the start of your employment, you may be required to complete an induction programme, during which all of our policies and procedures (including, where relevant, those relating to Health and Safety) will be explained and/or provided to you, as necessary. Information relating to these will be given to you at the induction.

Employee training

During your employment, you may receive training that is necessary for your specific role. You are expected to participate in any training deemed necessary for you to perform your role at the required standards.

Job description

Your role is subject to, and contingent upon, Government funding approval.

You will be provided with a job description to help illustrate your role. You may be required to perform other duties on reasonable request by AAHYA from time to time having regard to AAHYA's needs.

Performance and review

AAHYA's policy is to monitor your work performance on a continual basis so that we can maximise your strengths, and help you with any development areas.

Ongoing learning and development

Employees are encouraged to raise with AAHYA any feedback and ideas with respect to learning and development they consider would assist them to perform their role.

AAHYA will endeavour to support employee learning and development.

Performance Management Policy

Overview

The aim of this policy is to provide guidelines for performance management with the primary objective of improving an employee's performance to the required standard.

This policy does not apply to cases involving allegations of misconduct. In those cases reference should be made to the Appropriate Workplace Behaviour Policy

Purpose

For the purpose of this policy, underperformance will include (but is not limited to):

- (a) an inability or unwillingness of an employee to perform some or all of their duties at the required or reasonably expected level having regard to (and without the presence of reasonable mitigating factors):
 - (i) the nature and purpose of their position;
 - (ii) the classification and seniority of their position;
 - (iii) the capabilities, skill, experience or knowledge requirements of their position; and
 - (iv) any representations made by the employee at the time of selection for employment, including in relation to qualifications.
- (b) the negligent, inefficient or incompetent discharge of duties by an employee;
- (c) a failure to meet the general standards of care and diligence in performance or behaviour relating to performance expected of an employee;
- (d) non-compliance with workplace policies, rules or procedures relating to performance, including a failure to comply with a reasonable and lawful direction given to the employee by AAHYA;
- (e) inappropriate behaviour in the workplace, as described in the Appropriate Workplace Behaviour Policy; and
- (f) disruptive or negative behaviour that impacts on co-workers, customers or suppliers or the business generally.

Application of this policy

This policy applies to AAHYA's employees as a guide in the event of underperformance. However, it not intended to be prescriptive, and AAHYA may elect to deviate from this policy in the management of underperformance, if it considers it is reasonable or necessary to do so in the circumstances.

Identifying Performance Issues

AAHYA will take reasonable steps to identify, or adequately respond to the identification, of an employee's underperformance.

If AAHYA has concerns about an employee's performance, a preliminary assessment may be undertaken by AAHYA to decide if there are grounds for commencing a performance management process (**PMP**) under this policy. A preliminary assessment seeks to determine:

- (a) whether there is a gap between the standard of performance expected of an employee by AAHYA, and actual performance;
- (b) the nature and impact of the underperformance;
- (c) the seriousness of the underperformance;
- (d) the duration of the underperformance; and
- (e) any reasons for the underperformance.

The scope and nature of a preliminary assessment will depend on the circumstances, but may involve reviewing an employee's personnel file including any appraisal records, gathering any relevant documents, reviewing an employee's work and, if appropriate, confidentially discussing an employee's performance at work with others.

Performance Management Processes (PMP)

In the first instance, performance issues will usually be dealt with between an employee and their line manager as part of day-to-day management. If performance issues continue, underperformance may be managed through a PMP.

Informal PMP

AAHYA may commence a PMP with an informal discussion.

Where an employee has addressed the performance concerns identified in an informal PMP within the identified timeframe, there will be no further action although AAHYA will continue to engage with employees in relation to performance at all stages of their employment.

Formal PMP

AAHYA may commence a formal PMP for more serious cases of underperformance, or in any case where an earlier informal PMP has resulted in little or no satisfactory improvement.

If AAHYA considers there are grounds for commencing a formal PMP, an employee will be required to attend a formal performance management meeting (**PM meeting**). The employee will be afforded an opportunity to bring a support person.

AAHYA may also have a representative attend the meeting, and ideally this will be advised to the employee when notifying them of the meeting.

The purposes of a formal PM Meeting is to inform the employee of the concerns with the employee's performance, to outline the standard required and to set a reasonable time period for the employee to reach the required standard of performance.

AAHYA will typically confirm in writing to the employee:

- (a) AAHYA's concerns with the employee's performance, and the standards of performance expected of the employee;
- (b) any outcomes from the preliminary PM meeting, which may include:
 - (i) the development of a performance improvement plan (see below) for the employee;

- (ii) the provision of additional time to consider and achieve the matters identified in above and confirmation of the date, time and place of any additional PM meetings; and
- (iii) confirmation that AAHYA is not continuing with the formal PM process, or that the matters discussed in the preliminary PM meeting will be addressed under another policy or procedure.

Performance Improvement Plan (PIP)

A PIP is a written plan drafted by AAHYA detailing the specific improvements required of an employee within a defined timeframe. A PIP will include:

- (a) the area[s] an employee has not met the required performance standards;
- (b) targets for improvement;
- (c) any agreed measures, such as additional training or supervision, which will be taken with a view to improving performance;
- (d) how performance against the targets will be monitored and assessed;
- (e) a period for review and, where appropriate, dates for performance improvement assessment during the review period; and
- (f) the consequences of failing to improve within the review period, or of further unsatisfactory performance.

An example of a PIP is contained in Schedule 1.

The employee's performance will be monitored during the review period detailed in the PIP. AAHYA will notify the employee whether their performance has improved to the standard required. Outcomes may include further performance management and/or a further PIP.

Disciplinary Process

Disciplinary action up to and including termination of employment may result from underperformance.

Leave Policy

Overview

Employment with AAHYA is at all times subject to, and contingent upon, Government funding approval.

This policy applies to all eligible employees of AAHYA (for whom Government funding has been approved) and aims to provide an overview of statutory leave entitlements in place from time to time. This policy does not incorporate as a contractual term any statutory entitlements.

Annual leave

Eligible employees are entitled to annual leave in accordance with the National Employment Standards (NES) within the FW Act.

Notification and approval

Annual leave is to be taken at a mutually convenient time to the eligible employee and AAHYA. Applications for annual leave should be approved by their manager at least four (4) weeks in advance of taking the leave.

Managers will not unreasonably refuse leave requests, but will be entitled to take into account the operational requirements of AAHYA.

Annual closure

AAHYA closes during the Christmas/New Year holiday season and, subject to any operational requirements and prior written approval and/or direction from the manager, all eligible employee are required to take accrued paid annual leave during this period, other than those days that are public holidays.

Annual leave and personal Leave

Eligible employees on annual leave who become ill or sustain an injury that would have prevented them from attending work for any period of time had they not been on approved leave, may request personal leave be substituted for that period of annual leave, subject to the production of a medical certificate signed by a qualified health practitioner in respect of that period. Any alterations in return to work dates need to be approved by the Manager.

Personal and Carer's Leave

Entitlements

Eligible employees are entitled to paid personal/carer's leave in accordance with the NES within the FW Act. For the avoidance of doubt, casual employees are not entitled to paid personal leave.

Paid personal leave accrues over the course of employment and progressively throughout the year according to ordinary hours of work (pro-rated for part-time employees). Unused leave will not be paid out on termination.

Eligible employees are entitled to take personal leave:

- (a) because the employee is not fit for work due to a personal illness or personal injury affecting the employee; or

- (b) to provide care or support to a member of the employee's immediate family, or a member of their household who requires the employee's care and support because of:
 - (i) a personal illness or injury affecting the member; or
 - (ii) a sudden or unexpected emergency affecting the member.

An immediate family member is any of the following of the eligible employee:

- (a) spouse;
- (b) de facto partner;
- (c) child;
- (d) parent;
- (e) grandparent;
- (f) grandchild;
- (g) sibling; or
- (h) child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.

A household member is any person who lives with the eligible employee.

Notification of personal leave

Eligible employees must notify their direct Manager by telephone on the first day of incapacity or at the earliest possible opportunity and, in any case, where reasonable by no later than 2 hours before the usual start time.

Text messages and e-mails are not an acceptable method of notification. Other than in exceptional circumstances notification should be made in person or by telephone call to the manager.

Eligible employees should try to give an indication of their expected return date and notify AAHYA as soon as possible if this date changes.

If an eligible employee's incapacity extends to more than seven days they are required to notify AAHYA of their continued incapacity once a week thereafter, unless otherwise agreed or as communicated by their treating doctor.

Evidence

A medical certificate from a registered health practitioner or, if not reasonably practical, a statutory declaration, is required from the eligible employee setting out the reasons for the absence in circumstances where the leave is:

- (a) on two or more consecutive days; or
- (b) on a single day prior to, or the day after a public holiday, weekend, non-working day or annual leave.

AAHYA retains the discretion to require a doctor's certificate or statutory declaration for any leave absence. AAHYA will notify the eligible employee of this requirement as appropriate.

AAHYA retains the discretion to require evidence for carer's leave. AAHYA will notify the eligible employee of this requirement as appropriate.

Return to work

The eligible employee should notify their manager as soon as they know on which day they will be returning to work, if this differs from a date of return previously notified.

On return to work after any period of personal leave, the eligible employee may be required to attend a return to work interview to discuss the state of their health and fitness for work. Information arising from such an interview will be treated with strictest confidence.

The eligible employee may be required to provide a certificate from their own doctor stating that they are fit to return to their duties. This will always be required where they have suffered a workplace injury/illness that required medical treatment.

If an eligible employee has been suffering from an infectious or contagious disease or illness such as COVID-19, rubella, chicken pox, whooping cough or hepatitis, they must not report for work without clearance from their own doctor.

General

In deciding whether an eligible employee's absence is acceptable, AAHYA will take into account the reasons for their absences and the extent of them, including any absence caused by sickness/injury.

AAHYA will not tolerate any non-genuine absences, and any such instances may result in disciplinary action being taken.

If considered necessary, AAHYA may seek the eligible employee's permission to contact their doctor and/or AAHYA may require them to submit to an independent medical examination.

Parental Leave

This section of the policy explains the entitlement of eligible employees to take unpaid parental leave from work in association with the birth or adoption of their child. These entitlements are governed by Part 2-2 Division 5 of the FW Act (as varied or replaced from time to time). The effect of this legislation is summarised below, as current at the date of this document.

Who is eligible for unpaid parental leave?

Unpaid parental leave is available to pregnant employees, employees whose spouse or de-facto partner has given birth and employees who are adopting a child under the age of 16, and who have or will have responsibility for the care of the child.

To be eligible for unpaid parental leave, an employee must:

- (a) in the case of permanent employees - have been in the continuous service of AAHYA for a period of at least 12 months; or
- (b) in the case of casual employees - have been employed with AAHYA on a regular and systematic basis for at least 12 months, and have a reasonable expectation of continuing employment on those terms.

The qualifying period of service must be met immediately before:

- (a) the birth of the child (or expected date of birth);

- (b) in the case of adoption, the placement date of the child (or expected placement date); or
- (c) the date on which the period of unpaid parental leave is to start.

Unpaid parental leave entitlements

Eligible employees are entitled under applicable legislation to up to 12 months of unpaid parental leave, which must be taken in a single continuous, unbroken period. Unless they are entitled to be paid for parental leave, parental leave will be unpaid.

The way that they can take unpaid parental leave depends on whether the employee and their spouse or de-facto partner (**Partner**) are taking unpaid parental leave, as set out below:

(a) **Only the AAHYA employee is taking unpaid parental leave**

If the AAHYA employee is pregnant, they may take unpaid parental leave starting up to 6 weeks before the expected date of birth of the child (unless otherwise agreed). If they wish to take adoption-related unpaid parental leave, the leave must start on the day of placement of the child. However, if their Partner is not an employee and has responsibility for the care of the child at first, they may start their period of unpaid parental leave later, provided it starts within 12 months after the birth or adoption of the child.

(b) **Both AAHYA employee and their Partner are taking unpaid parental leave**

If both the AAHYA employee and their Partner are taking unpaid parental leave from work, they are part of an “employee couple” and are both entitled to up to 12 months unpaid parental leave (up to a combined maximum of 24 months). Both the AAHYA employee and their Partner must take the leave in a separate single continuous period one after the other, except for the period of concurrent leave and “keeping in touch” days, and must have responsibility for the care of the child during the relevant period of parental leave.

If the AAHYA employee is pregnant, they may take unpaid parental leave starting up to 6 weeks before the expected date of birth of the child (unless otherwise agreed). If they are not pregnant, their unpaid parental leave must start either on the date of birth of the child or immediately after their Partner’s leave ends.

If the leave is adoption-related leave, either the AAHYA employee or their Partner must start unpaid parental leave on the date of placement of the child and the other must start their leave immediately after the first person’s leave ends.

(c) **Concurrent leave**

The AAHYA employee and their Partner can take up to 8 weeks of unpaid parental leave at the same time. This period of concurrent leave can be taken in separate periods but each period must be for at least 2 weeks unless AAHYA agrees otherwise. Unless AAHYA agrees, concurrent leave must not start before the date of birth of the child or adoption of the child.

(d) **Accrual of leave**

Annual leave, personal/carer’s leave and long service leave do not accrue when an eligible employee is on unpaid parental leave. Further, they are not entitled to payment for personal/carer’s leave or public holidays during unpaid parental leave.

They can take paid leave (eg annual leave) at the same time as their unpaid parental leave in accordance with the legislation.

Applying for parental leave

If an AAHYA employee intends to take parental leave, they should do the following:

- (a) inform the manager of their intention to take parental leave no later than **10 weeks** before the start of the leave. However, if they are applying for a second and subsequent period of concurrent leave because they have already taken a period of concurrent leave, they need to provide at least **four weeks'** notice;
- (b) confirm the intended leave start and end dates at least **four weeks** before commencing leave;
- (c) provide evidence of the following:
 - (i) **Birth-Related Leave:** a medical certificate from a medical practitioner confirming their pregnancy or the pregnancy of their Partner, as well as the expected date of delivery. If they are taking parental leave as part of an "employee couple", they must also provide a statutory declaration detailing any leave their Partner intends to take; and
 - (ii) **Adoption-Related Leave:** a statement from the adoption agency stating the day that the child will be placed with them, the expected day of placement and that the child will be under 16 at the date of placement. They must also provide a statutory declaration verifying the details of the adoption, the leave sought and any adoption leave their Partner intends to take.

Varying the period of unpaid parental leave

Eligible employees may extend or reduce their period of unpaid parental leave, as follows.

(a) **Extension to use more of available unpaid parental leave period**

If an eligible employee is currently taking a period of unpaid parental leave that is less than their available unpaid parental leave period, they may extend their unpaid parental leave for a further period up to the full available unpaid parental leave period (ie 12 months less any excluded periods such as a period of concurrent leave that they have already taken, as well as any extended period of unpaid parental leave that their Partner has taken beyond their 12 month entitlement).

They must give AAHYA written notice of the new end date of their leave at least **four weeks** before the original end date. They can only exercise this right once, unless AAHYA agrees to a further extension.

(b) **Reducing the period of unpaid parental leave**

Eligible employees may also reduce their period of unpaid parental leave by agreement with AAHYA.

Unpaid Special Maternity Leave

Employees may be eligible for unpaid special maternity leave where they are unfit for work due to a pregnancy-related illness, or where their pregnancy ends early within 28 weeks of the expected birth date (eg where the child is still-born).

They must give AAHYA notice of special maternity leave as soon as practicable and a medical certificate from a medical practitioner confirming the circumstances of the leave and requested dates.

If they have an entitlement to paid personal/carer's leave, they may take that leave instead of taking unpaid special maternity leave.

Unpaid Pre-Adoption Leave

If an eligible employee is seeking to adopt a child, they may take up to two days of unpaid pre-adoption leave to attend any interview or examinations required to obtain approval for the adoption. This leave may be taken in a single continuous period (eg two consecutive days) or in separate periods (eg four half days) as agreed between them and AAHYA. If another form of leave is available to them, such as accrued annual leave, AAHYA may choose to direct them to take that other form of leave instead of unpaid pre-adoption leave.

Transfer to a safe job

If an employee is pregnant, is eligible for parental leave and has given notice to take parental leave, they may be transferred to an appropriate safe job if it is not safe for them to perform their usual job (as evidenced by appropriate documentation). They will continue to be paid at their base rate of pay during such time. If there is no appropriate safe job available, they are entitled to take paid "no safe job leave" for the period it is not safe to perform their usual job, at their base rate of pay.

Direction to take Maternity Leave

If the eligible employee is pregnant and wish to continue to work during the six week period prior to the expected date of birth of their child, AAHYA may require them to provide a medical certificate stating that they are fit for work and that it is safe to continue to perform their usual job.

If they do not provide the medical certificate within **seven days** of AAHYA making the request or the medical certificate they provide states that they are either not fit to work or that they can work but not in their usual job (but they are not entitled to transfer to a safe job or to take "no safe job leave"), AAHYA may direct them to take unpaid parental leave.

Keeping in Touch Days

During the eligible employee's unpaid parental leave, they can use up to 10 "keeping in touch days" without affecting their unpaid parental leave entitlement, provided that both AAHYA and the eligible employee consent to working on that particular day. This means that they can work up to 10 days during their unpaid parental leave, either all at once or in single days, and they will be paid at their normal rate of pay.

The keeping in touch days must be at least 42 days after the birth or placement of the child. If they wish to use the days earlier, they must make a request to AAHYA but in any case, the days cannot be used within 14 days of the birth or placement of the child.

Returning to work

When an employee's unpaid parental leave ends, they are entitled to return to their pre-parental leave position or if that position no longer exists, an available position for which they are qualified and suited and which is nearest in status and pay to their pre-parental leave position.

Paid parental leave scheme

If an eligible employee is the primary carer of a newborn or recently adopted child, they may be eligible for government funded paid parental leave (**PPL**) under the Commonwealth Government's Paid Parental Leave Scheme (**Scheme**). Under the Scheme, working parents are eligible for up to 18 weeks of government-funded PPL at the rate of the National Minimum Wage. The PPL entitlements exist alongside the unpaid parental leave entitlements summarised in this Policy.

In order to receive PPL, they must submit their claim to the Centrelink, which will determine their eligibility to receive PPL. Where they are found to be eligible for more than 8 weeks of PPL and they have served at least 12 months' service with AAHYA immediately before the birth or placement of the child, they will receive PPL directly from AAHYA, in accordance with a determination made by Centrelink and their usual pay cycle. In other cases, they may receive their PPL payments from Centrelink.

If an eligible employee is a dad or partner, they may also be entitled to the government-funded "Dad and Partner Pay" for a period of up to two weeks at the National Minimum Wage under the Commonwealth Government's Paid Parental Leave Scheme. Please note that this payment is paid by Centrelink.

Reference Check Policy

Overview

This policy sets out the process and objectives involved with AAHYA conducting reference and employment screening checks for prospective Workers (as relevant) (**Applicant**).

Condition of employment or engagement

Employment or engagement with AAHYA is conditional upon the Applicant returning satisfactory references and/or employment screening checks.

Reference checks

As part of the application process, Applicants for employment or engagement with AAHYA are requested to provide referee details and to provide their permission to contact them. Referees are usually past or current employers of the Applicant, but they can also be anyone who is able to provide details about the person's character, education or suitability for the job.

Employment screening checks

As part of the application process, Applicants for employment or engagement will also be requested to consent to employment screening checks including police checks and working with children checks (as relevant to the employment or engagement).

Outcomes

AAHYA will rely upon the information obtained during reference and/or employment screening checks when selecting successful Applicants for employment or engagement.

Failure to return satisfactory references and/or employment screening checks and/or any dishonesty by an Applicant during the screening process may result in employment or engagement not being offered, an offer being withdrawn and/or employment being terminated.

Travel Policy and Guidelines

Overview

This policy establishes procedures for work-related travel and associated expenses.

Purpose

The purpose of this policy is to ensure that:

- (a) Workers understand and comply with the required approval process for undertaking work-related travel and associated expenses; and
- (b) Work-related travel is approved and undertaken having regard to work health and safety obligations.

Scope

This policy applies to work-related travel and associated expenses for AAHYA, including domestic and international travel.

Approval

Workers must ensure they obtain prior written approval of work-related travel from Sayeed Karimi, President, before incurring any travel related expenses.

Travel categories, approvals and booking requirements

Domestic travel

Economy airfares must be booked for domestic travel requiring flights.

International travel

Economy airfares must be booked for international travel unless the flight is in excess of 5 hours in which case premium economy flights may be booked.

Car Travel

Workers who are required to use their own cars for business related travel may be eligible to receive reimbursement for petrol in the amount of:

- (a) for a motor car, \$0.78 per kilometre; and
- (b) for a motor cycle, \$0.26 per kilometre.

Booking airfares

Travel arrangements should be made as early as possible to take advantage of advance purchase discount airfares. The travel requests should be made via email to aahya.org@gmail.com for approval before any costs are incurred. The details of travel should include, the business purpose of travel, dates/times and the names of those travelling.

All airfares must be booked through AAHYA's preferred supplier as notified to the Worker at the time of approval.

Accommodation booking

Any accommodation bookings must be made with 'four star' options (or the nearest available) and must be booked through AAHYA's preferred supplier as notified to the Worker at the time of approval.

Reimbursement of work related travel expenses

Workers are entitled to be reimbursed for reasonable work-related travel expenses subject to the production of valid tax invoices itemising each expense. AAHYA will determine, at its sole discretion, whether expenses are reasonable for the purposes of reimbursement.

AAHYA will not reimburse:

- (a) personal expenses; and
- (b) alcohol.

Work health and safety

Work health and safety obligations continue to apply during work-related travel. Workers are required to check State and Federal Government travel information regarding their destination before seeking approval for, booking and undertaking travel.

Insurance

Travel Insurance

Workers must ensure that travel insurance is in place prior to commencing business-related travel.

Vehicle Insurance

Workers must have a valid Australian driver's licence.

If an employee's personal vehicle is to be used for business purposes, it must be insured for such use with a copy of the current policy to be provided to AAHYA on reasonable request and prior to any such use occurring.

Emergency Contacts

Workers are required to provide emergency contact details to AAHYA before commencing a work-related trip

Schedule 1: Performance Improvement Plan

[EXAMPLE ONLY]

Employee name Manager name

Employee title Manager title

Date of PIP [DATE PIP WAS MADE] Period of PIP [START DATE TO END DATE]

Date that performance will next be reviewed [INTERIM REVIEW DATE] Final review date

Actions to improve performance

Following discussions at a formal performance management (PM) meeting on [DATE(S)], the following is a summary of:

- (c) area[s] of your performance that have been identified as below the expected levels;
- (d) details of what the expected performance standards are; and
- (e) how these expected performance standards will be achieved within the allocated timeframe.

Performance area[s] that are below expectations	Expected standards of performance What will this area of performance look like when carried out to the required standard?	Action How will you improve?	Support What support, such as training or resources, is required to assist you in meeting the required standard?	Method of Assessment How will your performance against this required standard be assessed?	Timeframe When are you expected to have improved your performance in this area?