



Ivanhoe Knights Basketball Club Inc

Workplace Code of Conduct and
Workplace Policies

WORKPLACE CODE OF CONDUCT

Key Points

You are responsible for conducting yourself in a professional, ethical and respectful manner at all times. You must not engage in any Unacceptable Conduct.

If you are concerned about someone's behaviour, this Policy outlines the steps you can take.

The Workplace Code of Conduct applies to everyone who works at IKBC, including employees, trainees, contractors, volunteers, agents and visitors and includes Committee Members if in the workplace or at an IKBC event.

Further to this, whilst the Workplace Code of Conduct does not form part of the contract of employment for every person employed by IKBC, employees are required to comply at all times with the obligations specified.

Purpose

The Workplace Code of Conduct provides guidance as to what is acceptable conduct and what is not; what to do if you become aware of Unacceptable Conduct; and how IKBC will respond to and address Unacceptable Conduct.

What is Unacceptable Conduct?

Unacceptable Conduct may include:

- A breach of any stated IKBC'S values;
- Conduct that is unethical;
- Conduct in breach of any professional codes that apply;
- A breach of any of IKBC's policies including but not limited to our:
 - Discrimination, Harassment and Bullying Policy;
 - Drug and Alcohol Policy;
 - Occupational Health and Safety Policy;
 - IT and Social Media Policy;
- Illegal or unlawful activity, including dishonesty or fraud;
- Conduct that may pose a threat to IKBC's professional reputation;
- Improper use or release of confidential information;
- Misuse of property; and
- Conduct that constitutes misconduct.

You are responsible for conducting yourself in a professional, ethical and respectful manner at all times. You also must not engage in any Unacceptable Conduct that constitutes serious misconduct.

WORKPLACE POLICIES

1. Discrimination, Harassment and Bullying Policy

IKBC aims to provide a working environment free from discrimination, harassment and bullying. The purpose of this policy is to provide clarity on what bullying, harassment and discrimination is considered a framework and process for complaints will be managed.

1.1 Scope

The following outline may be utilised in conjunction with applicable legislation and regulations and applies to all IKBC employees, trainees, contractors, volunteers, agents and visitors and includes Committee Members if in the workplace or at an IKBC event.

Policy

1.2 Discrimination

Discrimination occurs when one person or group is treated, or it is proposed that they be treated unfavourably due to a protected attribute (Direct Discrimination). Protected attributes may include, but are not limited to:

- gender, gender identity, gender expression or intersex status;
- sexual preference or orientation;
- religious or political beliefs;
- race, colour, or national extraction;
- age;
- marital or relationship status;
- physical, mental or intellectual disability or impairment, pregnancy or potential pregnancy; or
- family responsibilities and/or parental/carer status.

1.2.1 Discrimination is also where an unreasonable requirement, condition or practice that purport to treat everyone the same ends up either actually or potentially disadvantaging someone with a protected attribute (Indirect Discrimination).

1.3 Harassment

Harassment is a form of discrimination and may also be unlawful if it involves a person being treated less favourably on the basis of a protected attribute. Harassment can take many forms. It may be verbal, physical, written or pictorial. Harassment is usually a pattern of behaviour but one act may constitute harassment if it is sufficiently serious.

1.3.1 Harassment is conduct that:

- is unwelcome or unwanted;
- causes offence, intimidation or humiliation. The perception of whether or not the behaviour is threatening or harassing lies with the receiver; and
- occurs in circumstances where a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated.

1.3.2 Conduct that may be considered harassment includes, but is not limited to:

- sexual harassment, which may include:
- verbal or written abuse or comments that degrade or stereotype people because of their protected attributes as defined under “discrimination” (above);
- verbal or written public statements that may incite hatred or negativity towards an individual or a group of people; or
- jokes based on race, sexuality, pregnancy, disability.

1.4 Bullying

Bullying is defined as repeated unreasonable behaviour by an individual towards a worker or member of the IKBC which creates a risk to health and safety.

1.4.1 This behaviour may include but is not limited to:

- physical or verbal abuse;
- unjustified criticism or complaints;
- aggressive or intimidating conduct;
- belittling or humiliating comments;
- exclusion from work-related events;
- teasing, practical jokes or ‘initiation ceremonies’;
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level; or
- displaying offensive material.

1.5 What discrimination, harassment or bullying is not

Workplace harassment or bullying must not be confused with reasonable management action carried out in a reasonable manner (including relevant developmental comments or feedback) from managers on the work performance or work-related behaviour of an individual or group.

1.5.1 Examples of what discrimination, bullying, harassment is not:

- counselling or disciplinary action for behaviour or performance;
- ongoing meetings with a person to inform and address unsatisfactory work performance or inappropriate behaviour;
- directing a person to perform duties in keeping with their job;
- mutual friendships or relationships based on welcome conduct; or
- reasonable managerial decisions and actions about employment such as:
 - Performance management processes;
 - Setting realistic and achievable performance goals, standards and deadlines;
 - Implementing organisational changes or restructuring;
 - Investigations into allegations of misconduct;
 - Fair and appropriate rostering and allocation of working hours;
 - Transferring a worker to another area or role for operational reasons; or
 - Deciding not to select a worker for a promotion where a fair and transparent process is followed.

1.6 Managing complaints of bullying, harassment and/or discrimination

All complaints of harassment, bullying and discrimination will be treated seriously and, if necessary, investigated promptly and impartially.

2. Managing Performance and Behaviour Strategy

The purpose of this Policy is to provide a framework that will be followed by IKBC, except in exceptional circumstances when IKBC determines otherwise. The Policy aims to ensure that the interests of all relevant parties are considered in dealing with and managing the performance and/or conduct concerns.

2.1 Scope

This Policy applies to all employees of IKBC.

2.2 Policy

Where the performance or conduct of an employee, trainee, contractor, volunteer, agent or visitor does not meet the standards required by IKBC, appropriate action will be taken.

2.2.1 Except in cases of serious misconduct, employees will generally be provided with an opportunity to improve their performance or address the conduct concerns. Examples of performance and behavioural concerns include:

- Not producing work to the required standard;
- Repetitive lateness and poor time management;
- Making consistent errors and mistakes at work;
- Not following policies and procedures, including the Workplace Code of Conduct; or
- Being rude or disrespectful to colleagues or other members of the IKBC.

2.2.2 When performance concerns are identified, IKBC will raise those concerns with the employee and where IKBC considers appropriate, provide them with a reasonable opportunity to improve their performance through the following steps:

2.3 Performance Discussion

An informal discussion may occur with the employee and their Manager or the relevant Committee Member responsible for that area of IKBC (or if unclear who that is, the President) . In this discussion, the manager should clearly explain where the poor performance and/or behaviour is occurring and both parties must attempt to find a resolution.

2.4 Performance Improvement Plan

A Performance Plan may be set to provide structure and clarity around expected performance and dates for improvements to occur by.

If the above steps have not produced an improvement in performance and/or behaviour, then the Disciplinary Process as outlined below may need to be followed;

2.5 Disciplinary Process

If an employee is found to be continually performing poorly or have been reported for misconduct, including serious misconduct, then the following process outlined in 2.7 to 2.9 (below) may be followed or the employee may have their employment immediately terminated if appropriate given the seriousness of the conduct (at the club's discretion).

2.6 Investigation – as per Grievance Policy (see 3 below)

2.7 Warnings

Depending on the severity of the situation, a warning may be issued. A minimum number of warnings is not required to be issued, nor do they have to be issued in a particular order.

2.8 Verbal Warning

This is a warning delivered verbally by the appropriate Manager or relevant Committee Member. The reason for the warning and required resolution will be communicated.

2.9 First Written Warning

A first written warning will be issued by the appropriate Committee Member if performance improvement has not occurred. The reason for the warning and required resolution will be outlined. The warning will be kept on the employee's file for a minimum of 12 months.

2.9.1 Final Written Warning

This warning will be issued by the appropriate Committee Member. It may be issued if the employee has been underperforming consistently. This warning may lead to termination if the conditions and resolution within the warning are not met by the employee.

3. Grievance Policy

The purpose of this Policy is to set out the approach adopted by IKBC to ensure that workplace grievances (including any complaints/concerns arising under the Discrimination Harassment and Bullying Policy) raised by our employees, trainees, contractors, volunteers, agents or visitors are managed in a fair, timely and confidential manner.

3.1 Scope

This Policy applies to all employees, trainees, contractors, volunteers, agents and visitors and includes Committee Members if in the workplace or at an IKBC event.

3.2 Policy

For the purposes of this Policy, a grievance is defined as any type of problem, concern, dispute or complaint related to work or the work environment which cannot be resolved through normal day to day communication. The following principles should be adhered to in managing workplace grievances:

3.2.1 Confidentiality

If you come forward with a grievance, IKBC (subject to its legal obligations and any appropriate processes e.g. an investigation) will treat the matter confidentially. It is important that participants (including support persons) also maintain confidentiality of the process. However, participants (including witnesses) may discuss the matter in the course of seeking advice. Whilst complaints may be on a confidential basis and IKBC will maintain confidentiality where possible, it may become necessary to disclose your identity in order to give a respondent sufficient details to understand the basis of the allegation against them.

3.2.2 Impartiality

Where a grievance has been raised, it will be treated seriously. In some circumstances, it will be necessary to investigate a grievance, in which case IKBC will do so in a confidential and impartial manner.

3.2.3 Sensitivity

If you come forward with a complaint, IKBC will endeavour to ensure you are treated fairly. If a grievance involves a complaint against you, you will be given an opportunity to provide your side of the story. You may bring an appropriate support person.

3.2.4 Timeliness

Each grievance will be dealt with in as short a time as possible in the circumstances whilst giving regard to thoroughness.

3.3 Lodging a Grievance – Process

Where an employee has a grievance or issue that they wished to have addressed, they are encouraged to follow these guidelines;

Step 1 – Meet and speak with your Manager or the Committee Member responsible for your area (e.g. Basketball Operations) of IKBC. If you are not comfortable to do or it is not appropriate, go to Step 2.

Step 2 – If the matter is not resolved at Step 1 you will speak to another Committee Member of the IKBC that you feel comfortable speaking with or the President at your election.

If this is not appropriate, go to Step 3.

Step 3 – If unsatisfied with the response, you can seek external legal advice or contact the Fair Work Commission.

3.3.1 Except in situations where there is a perceived immediate and significant threat to your health and safety, work will continue and consideration of the needs of the business will remain a priority.

3.3.2 Investigation

Depending on the nature of the grievance, an investigation may be required. This investigation may be outsourced to an external investigator or provider.

If an investigation is underway, there may be reasonable delays to timeframes with the grievance process which will be communicated to the employee during the process along with regular updates.

3.3.3

IKBC has a duty of care to protect its employees and act in accordance with legislation. If allegations are made and the employee involved does not want to lodge a complaint, an investigation may take place regardless.

4. Drugs & Alcohol Policy

The purpose of this Policy is to eliminate as far as reasonably practicable, the hazards within the workplace that are associated with the use or misuse of alcohol, illicit drugs and prescribed medication.

4.1 Scope

This Policy applies to all employees, trainees, contractors, volunteers, agents and visitors and Committee Members who are either at the workplace or a work-related event, irrespective of whether it is during standard working hours or at some other time.

4.2 Policy

IKBC is committed to ensuring that the safety and wellbeing of all employees and the quality of our work is not compromised by the presence of people under the influence of alcohol or other drugs in the workplace.

4.2.1 IKBC does not and will not condone:

- The use, sale or possession of any illegal/prohibited substance at the workplace or a work-related event; or
- The presence of employees adversely affected by alcohol at the workplace or work-related event.

4.2.2 In the event that alcohol is consumed at work-initiated activities, employees must not become inebriated or drunk and are expected to uphold appropriate standards of behaviour at all times.

5. Flexible Working Arrangement Policy

The IKBC recognises that there are some circumstances where an employee's personal needs may benefit from a flexible or remote work arrangement.

5.1 Scope

This Policy applies to all IKBC employees.

5.2 Policy

The IKBC's flexible working arrangements refer to planned adjustments to an employee's usual working arrangements, location of work, which will help them to manage their IKBC and personal responsibilities. Flexible working arrangements must be agreed between the employee and their responsible Manager or relevant Committee Member (or if unclear who that is, the President) to their mutual benefit.

5.3 To request flexible working arrangements:

5.3.1 Identify which work arrangement meets both personal and business needs by considering;

- the nature of your role and responsibilities
- potential impact on internal colleagues, members and external stakeholders; and
- impact on your work performance/responsibilities/goals.

5.3.2 Have a discussion with your manager

Discuss with your Manager or relevant Committee Member (or if unclear who that is, the President) what you are proposing and arrange the details for your flexible working arrangements.

6. IT & Social Media Policy

The purpose of this Policy is to ensure that all IKBC's electronic communication facilities are to be utilised by employees in a lawful, ethical and professional manner at all times.

6.1 Scope

This Policy applies to all IKBC employees.

6.2 Policy

6.2.1 Definitions

'*Confidential Information*' includes but is not limited to any information in any form or of any kind relating to the IKBC and related partnerships, members, or businesses, which is not in the public domain. This includes, but is not limited to information relating to player personal information, player injuries and medical information, contracts, sponsorship agreements, member details, financial contributors to IKBC, financial information, and personal identifying information.

'*Social Media*' includes all internet-based publishing technologies. Most forms of social media are interactive, allowing authors, readers and publishers to connect and interact with one another. The published material can often be accessed by anyone.

6.3 Email and Internet

Electronic mail and internet facilities are to be utilised by all employees primarily for work related purposes.

6.3.1 All messages sent by electronic mail are subject to the Workplace Code of Conduct and are to be free from harassment, offensive/bad language, sexual references, or any other unprofessional content. (This shall include sexually explicit messages, images, cartoons or jokes).

6.4 Under no circumstances shall any of IKBC's electronic communication facilities be utilised for:

- The intentional downloading, receiving, forwarding or storage of obscene messages, pornography or explicit images which may cause offence;
- The making of derogatory, inflammatory, bullying or discriminatory comments about another person, including but not limited to employees, members, suppliers, customers, clients and sponsors of IKBC;
- The disclosure of private or confidential information about IKBC, partners or employees;
- Anything that is illegal, unethical or indecent; or
- Anything that is detrimental to IKBC's reputation.

6.5 Under no circumstances shall an employee utilise social networking websites (whether via IKBC or their own personal ISP's) to deliberately post confidential, misleading or detrimental information about IKBC, its members, employees, Committee Members, partners or sponsors.

6.6 Should circumstances arise whereby on an unsolicited basis an employee receives email which contains obscene messages, pornography or explicit images which may cause offence; or derogatory, inflammatory, or discriminatory comments about a colleague, member, partner or supplier of IKBC; or discloses private or confidential information about IKBC or another employee, the employee should proceed as follows: a) Where the sender is an employee of IKBC: Immediately notify your Manager or relevant Committee Member (or if unclear who that is, the President), who will provide advice on how the matter is to be managed. b) Where the sender is a person or person's external to IKBC: Immediately notify your Manager or relevant Committee Member (or if unclear who that is, the President) who will provide advice on how the matter is to be managed. c) Do not forward, delete or reply to the message unless instructed.

6.7 Social Media

No one is to engage in Social Media as a representative or on behalf of IKBC unless they first obtain written approval from their Manager or it is within their role to do so.

6.7.1 If anyone is directed to contribute to or participate in any form of Social Media related work, they are to act in a professional manner at all times and in the best interests of IKBC.

7. Leave Policy

This Policy provides information on various forms of leave that can be taken during employment.

This Policy provides information on various forms of leave that can be taken during employment at IKBC. The various entitlements are set out below.

Please note that generally:

- leave entitlements arise from legislation and not your contract of employment and it may change following any relevant legislative amendments. The matters set out below are a summary and you should refer to the legislation for full details; and
- you are required to give notice before you take any form of leave; if for any reason you have insufficient leave, please speak to your Manager or relevant Committee Member (or if unclear who that is, the President).

7.1 Scope

This Policy applies to all employees of IKBC.

7.2 Policy

7.2.1 Annual Leave

Full-time and part-time employees of the IKBC have a contractual entitlement to the number of days of annual leave stipulated in their employment contract with the IKBC. This contractual entitlement operates subject to the National Employment Standards (NES) as set out in the Fair Work Act 2009 (Cth). Where your contractual entitlement is below the minimum standards set out in the NES in relation to annual leave, you will be entitled to the number of annual leave days set out in the NES.

The provisions set out in the Fair Work Act 2009 (Cth) (which are subject to change) are summarised as follows:

- full-time employees are entitled to 20 working days (four weeks) of paid annual leave per year of service (part-time employees are entitled to a pro rata amount);
- the annual leave entitlement accrues on a pro-rata basis and is cumulative.

Accrued annual leave should be taken to minimise the impact on each Basketball Season and to ensure that development of programs is being maximised. A reasonable time to take annual leave would be in the offseason of Basketball, for instance in December/January or otherwise between seasons. In accordance with applicable laws, except as otherwise agreed by the Committee Member responsible for Basketball Operations of IKBC, the Employee is required to take at least 75% with the goal of taking 100% of any accrued Annual within the financial year (i.e., 1 July to 30 June) during which it is accrued.

7.2.2 Personal / Carer's Leave

The employee is entitled to personal/carer's leave in accordance with the *Fair Work Act 2009* (Cth), which at the date of this policy is 10 days per year. Accrued sick leave will not be paid out on the termination or expiry of the employment.

If the employee is unable to attend work due to illness, or needs to care for or support an immediate family member due to their illness or any unexpected emergency, in addition, the employee is entitled to two days' unpaid carer's leave in each year if the employee has exhausted aid personal/carer's leave. Subject to reasonable emergency situations, the employee must notify IKBC at the earliest possible time, but no later than one hour prior to the employee's commencement time on the relevant day of leave, so that alternative working arrangements can be made. IKBC may require a medical certificate or, if it is not reasonably practicable to do so, a statutory declaration for any absence from work for personal/carer's leave and failure to provide such documentation may result in the leave being deemed to be unpaid leave.

7.2.3 Long Service Leave

The employee is entitled to receive long service leave in accordance with the *Long Service Leave Act 1992* (Vic). If the employment is terminated, the Employee shall receive a payment (calculated upon the employee's total remuneration package) representing the employee's accrued long service leave, provided the employee has seven or more years continuous service with IKBC and the employee is not dismissed for serious, willful misconduct.

7.2.4 Public Holidays

Relevant public holidays for the purposes of the employment will be those public holidays gazetted in the State of Victoria. Given the nature of IKBC and its core business of Basketball, the employee acknowledges that he or she may be required to work on public holidays from time to time to fulfil the requirements of the employee's role and that the employee has been provided with notice of this requirement.

8. Occupational Health and Safety Policy

The purpose of this Policy is to set out the IKBC'S commitment to providing a safe, healthy environment and experience for its employees, contractors, consultants and visitors. It sets out the minimum requirements to ensure compliance with health, safety and environment (HSE) legislation and related codes of practice and standards.

8.1 Scope

This Policy applies to all IKBC'S employees, trainees, contractors, volunteers, agents and visitors and includes Committee Members if in the workplace or at an IKBC event and shall be fulfilled by ensuring:

- Our employees are informed of and understand their responsibilities and demonstrate commitment to accountability and leadership in health, safety and a supportive work environment;
- We identify and understand our risk profile and seek to eliminate and reduce our health and safety risks through effective hazard and risk management processes;
- We actively prevent injuries and illness to our employees and provide effective and supportive injury management programs. We conduct quality incident investigations and implement corrective actions to ensure prevention of injury and illness;
- Compliance with the requirements of the Occupational Health and Safety Act and Regulations and any other relevant requirements, statutory acts and regulations; and

- Allocating adequate resources to plan for and maintain a safe, healthy and supportive working environment, including the engagement of suitably qualified people to support and deliver on IKBC'S health and safety commitment.

8.2 Policy

8.2.1 Roles and responsibilities

All employees, contractors and visitors are accountable for behaving in a safe and environmentally responsible manner at all times and have a personal responsibility to comply with this Policy and to notify their Manager or relevant Committee Member (or if unclear who that is, the President) if there is a compliance issue or question. Employees are responsible for:

- Performing their work in a safe manner;
- Taking reasonable care that their acts do not adversely affect the health and safety of themselves, others or the environment in which we operate;
- Reporting any incidents or hazards;
- Undertaking their work in compliance with this Policy and relevant HSE legislation; and
- Ensuring that any contractors or visitors that they are responsible for are advised of the requirements of this Policy.

8.2.2 Reporting any incidents or hazards

Where an employee or contractor identifies or becomes aware of a possible HSE risk or hazard they should, where practical:

- Attempt to minimise the risk or hazard;
- Notify their Manager or relevant Committee Member (or if unsure who that is, the President) of the risk hazard; and
- Provide an incident report where there is a health and safety incident and submit it to their Manager or relevant Committee Member (or if unsure who that is, the President). They will determine whether interim measures need to be implemented to prevent any adverse consequences.

9. Parental Leave Policy

IKBC supports parents through pregnancy, adoption and parental commitments and return to work after the birth/adoption of their child/ren.

9.1 Scope

This Policy applies to all permanent and fixed term employees of the IKBC.

9.2 Policy

9.2.1 Parental Leave

Parental Leave includes:

- Maternity Leave;
- Paternity and partner leave;
- Adoption Leave; and
- Special Maternity Leave.

Parental leave is leave that can be taken when the employee gives birth, their partner or spouse gives birth or they adopt a child under the age of 16.

This Policy is subject to the provisions of the Fair Work Act which set legislative minimum standards for parental leave (see Division 5, Part 2-2 of the Act).

9.3 Paid Parental Leave

9.3.1 Government Paid Parental Leave Scheme

- Eligible employees who are the primary carer of a newborn or adopted child may be entitled to payments under the Australian Government's Paid Parental Leave Scheme. The Government-funded scheme does confer an additional entitlement to leave.
- Payments will be made by Centrelink to IKBC and then IKBC will distribute the payment to the Employee.
- Government Paid Parental leave is not affected by any paid leave offered by IKBC. It is designed to complement the IKBC's Parental Leave policy by providing additional payments to eligible employees.
- More information about 'Parental Leave Pay' and 'Dad and Partner Pay' can be found on the Department of Human Services' website at <https://www.servicesaustralia.gov.au/individuals/families>.

9.4 Unpaid Leave

9.4.1 All employees in Australia are eligible for unpaid parental leave if they have completed at least 12 months of continuous service with their employer. This includes casual employees if they:

- have been employed by the employer on a regular and systematic basis for a sequence of periods over at least 12 months.
- would reasonably have expected to continue working for their employer on a regular and systematic basis, had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child.

9.4.2 Each eligible member of an employee couple can take a separate period of up to 12 months of unpaid parental leave. The combined leave can't be for more than 24 months. An 'employee couple' is where 2 employees are in a spousal or de facto relationship and want to take leave. They don't have to be working for the same employer.

9.4.3 Partners and spouses are eligible for up to 8 weeks unpaid leave, if taken concurrently with the primary caregiver who is also on parental leave or is unemployed.

9.4.4 Extension of Unpaid Parental Leave

An employee taking 12 months parental leave can request an extension of a further 12 months leave (up to 24 months in total), unless they are a member of an employee couple and their partner has already taken 12 months of leave. The request must be in writing and given to the employer at least 4 weeks before the end of the employee's initial period of parental leave. The employer must respond in writing within 21 days, stating whether they grant or refuse the request. They can only refuse if:

- they have given the employee a reasonable opportunity to discuss their request

- there are reasonable business grounds to do so. The employer has to detail their reasons in writing.

9.4.5 Refusal for extension may be on reasonable business grounds which may include things such as impact on the IKBC's finance, productivity or member service, difficulties in recruiting a replacement employee.

9.5 Special Maternity Leave

9.5.1 A pregnant employee who is eligible for unpaid parental leave can take unpaid special maternity leave if: a) She has pregnancy related illness; or b) Her pregnancy ends after 12 weeks because of a miscarriage, termination or stillbirth.

9.5.2 If an employee takes special maternity leave because of pregnancy related illness, the leave will end when the pregnancy or illness ends, whichever is earlier.

9.5.3 If an employee takes leave because of a miscarriage, termination or still birth, special maternity leave can continue until she is fit for work.

9.5.4 Employees must provide a medical certificate to IKBC to confirm both illness and fitness to return to work, where requested.

9.6 Return to work guarantee

An employee is entitled to return to:

- their pre-parental leave position, or
- an available position for which they are qualified and suited, which is nearest in status and pay to their pre-parental leave position, if their pre-parental leave position doesn't exist anymore.

Approved by the IKBC Committee on 12 October 2021