

## Secure Local Jobs

### Policy Statement

Kids Biz aims to provide a working environment that upholds the rights of all employees and meets high ethical and labour standards.

### Policy Considerations

- Fair Work Act
- Income Tax Assessment Act
- Independent Contractors Act
- Industry Research and Development Act
- Long Service Leave Act
- Migration Act
- Paid Parental Leave Act
- Payroll Tax Act
- Safety, Rehabilitation and Compensation Act
- Superannuation Guarantee Act
- Work Health and Safety Act
- Workers Compensation Act
- Workplace Gender Equality Act
- Government Procurement Act
- Local Industry Participation Policy
- ACT Secure Local Jobs Code

### Procedure

#### 1 Adherence to the Law

(1) KIDS BIZ OSHC will comply with:

(a) applicable Industrial Law, including but not limited to, the Prescribed Legislation;

(b) all applicable orders, directions and decisions of any court, tribunal, board, commission or other entity (including but not limited to the Fair Work Commission) with jurisdiction to consider the interpretation, breach or any other matter concerning the Prescribed Legislation; and

(c) any Industrial Instrument that applies to that entity.

(2) KIDS BIZ OSHC will notify the registrar in writing of any Adverse Ruling made against it, or its Subcontractors, or it becoming aware of a failure to comply with Code obligations, within 5 working days of such a ruling being made or such awareness arising.

#### 2 Requests for information

(1) KIDS BIZ OSHC will, subject to law, comply with any reasonable request for information, access to records and directions given by the registrar or an approved auditor for the purposes of investigating Code compliance pursuant to this Code and the GPA.

Reviewed on:	14/07/2020	Approved on:	15/07/2020
Reviewed by:	Sarah Maple	Approved by:	Courtney Tanner

### **3 Workplace Representation**

(1) KIDS BIZ OSHC will, if requested by two or more employees facilitate the conduct of an election amongst its employees to elect whichever of the following is requested:

(a) a union workplace delegate; or

(b) other employee representative.

(2) Where a union workplace delegate or other employee representative has been elected, KIDS BIZ OSHC will ensure:

(a) there is no unlawful discrimination against the union workplace delegate or employee representative in their employment;

(b) there is no Adverse Action taken by KIDS BIZ OSHC as an employer against a union workplace delegate or employee representative who is an employee on the basis that they are a union workplace delegate or employee representative;

(c) reasonable requests from a union workplace delegate to represent an employee, who is an employee eligible to be a member of the union workplace delegates Eligible Union, in relation to a grievance, dispute or discussion with another employee of KIDS BIZ OSHC are not refused; and

(d) reasonable requests from an employee representative to represent an employee, who is an employee who participated in the election of the employee representative, in relation to a grievance, dispute or discussion with another employee of KIDS BIZ OSHC are not refused.

(3) KIDS BIZ OSHC will ensure that their employees have a right to decide whether or not they will be represented in grievance or dispute procedures (whether or not pursuant to an Enterprise Agreement), and, if so, by whom.

(4) If a union workplace delegate or employee representative is elected under subsection (1) for KIDS BIZ OSHC, IT WILL put in place practices and procedures to facilitate the conduct of union workplace delegates' or employee representative's roles at the workplace level, and which recognise that the rights of a union workplace delegate or employee representative (where in place) include but are not limited to:

(e) the right to be treated fairly and to perform their role without any discrimination in their employment;

(f) recognition by KIDS BIZ OSHC that union workplace delegates or employee representatives elected under subsection (1) speak on behalf of employees who elected them;

(g) the right to participate in collective bargaining on behalf of those whom they represent, as per the *Fair Work Act 2009* (Cth);

(h) the right to reasonable paid time to provide information to and seek feedback from the employees that elected them on workplace relations matters during normal working hours of KIDS BIZ OSHC;

(i) the right, subject to law, to email employees who they represent to provide information and seek feedback, subject to individual employees exercising a right to opt out;

(j) reasonable access to KIDS BIZ OSHC facilities (including telephone, facsimile, photocopying, internet and email facilities, meeting rooms, lunch rooms, tea rooms and other areas where employees meet) and relevant information for the purpose of carrying out work as a union workplace delegate or employee representative, including meeting and consulting with

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employees who elected them or any other interested employee, subject to the KIDS BIZ OSHC policies and protocols;

(k) the right to reasonable paid time for union workplace delegates or employee representatives to attend accredited union training (in the case of a union workplace delegate) or other relevant training (in the case of employee representatives); and

(l) the right to reasonable paid time for union workplace delegates or employee representatives to represent the interests of those that elected them, to the employer, or before industrial tribunals.

#### 4 Employee Representation and Workplace Inductions

(1) KIDS BIZ OSHC will understand and respect their employees' rights, including in relation to freedom of association and the right to representation at work as required by Part 3-1 of the *Fair Work Act 2009* (Cth). This includes acknowledging employees' right to join or not to join a union and be represented at work.

(2) For the purposes of the Code, subsection (1), will be considered met if KIDS BIZ OSHC:  
(a) informs all new employees who are eligible to become members of Eligible Union(s) at the commencement of employment, about their right to choose to join or not join an Eligible Union, including providing information about the Eligible Union(s) and an application form for membership of the Eligible Union(s);

(b) informs all new employees that they have the right to elect an employee representative.

(3) KIDS BIZ OSHC will make copies of the applicable Industrial Instrument(s) available to all employees in the most accessible format.

(4) KIDS BIZ OSHC will ensure new employees receive induction training from an appropriately skilled and experienced person and that the training is tailored to their specific duties and workplace(s).

(5) Employees must receive induction training while on paid time at the commencement of employment and/or the commencement of a project.

(6) Induction training should be held on a group basis where practicable and provide training and information on:

(a) KIDS BIZ OSHC employment policies; and

(b) conditions of employment and service, including consultation and dispute resolution procedures and the employees' ability to have a representative of their choice (if they first elect to have a representative) in attendance during the dispute resolution process; and

(c) lines of authority and accountability; and

(d) health, safety, emergency and security procedures, including all hazards and risks associated with the tasks and the control measures to be used and procedures for reporting hazards and incidents.

#### 5 Recognition of the Right to Collectively Bargain

(1) For this section:

**bargaining representatives** is defined in section 176 of the *Fair Work Act 2009* (Cth).

**employee organisation** means an organisation of employees.

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(2) KIDS BIZ OSHC will make their employees aware of their employment rights, including the right to collectively bargain.

(3) Section 15(2) will be satisfied if the KIDS BIZ OSHC provides a Fair Work Information Statement in accordance with section 125 of the *Fair Work Act 2009* (Cth) and provides induction training in accordance with section 14 of this Code.

(4) Where KIDS BIZ OSHC has employees that are eligible to be members of an Eligible Union they must make such arrangements as are necessary to allow their employees', bargaining representatives from the Eligible Union(s) and all other bargaining representatives to participate in negotiations to develop Enterprise Agreements that are appropriate to the circumstances of the individual enterprise or industry.

(5) In undertaking negotiations related to the development of an Enterprise Agreement, KIDS BIZ OSHC will recognise that employees are free to choose their bargaining representatives and must not adopt or implement policies or practices that seek to encourage their employees to appoint a particular entity or person as their bargaining representative.

(6) KIDS BIZ OSHC will not adopt or implement policies or practices that seek to encourage their employees to revoke the status of an employee organisation as their bargaining representative for a proposed Enterprise Agreement.

(7) KIDS BIZ OSHC shall make reasonable allowances for their employees and their bargaining representative (where in place) to participate in negotiations to develop Enterprise Agreements, including but not limited to:

(a) allowing employees paid time to meet with their bargaining representatives regarding Enterprise Agreement negotiations;

(b) meeting regularly with bargaining representatives in good faith for the purpose of enterprise bargaining negotiations; and

(c) allowing a union workplace delegate or employee representative to distribute material to the workplace concerning bargaining.

(8) In the course of collective bargaining, KIDS BIZ OSHC, or their representative or agents, will not:

(a) advise, encourage, incite or coerce an employee to revoke the bargaining status of the bargaining representative; or

(b) hold negotiations with relevant employees regarding the Enterprise Agreement without first providing bargaining representatives a reasonable opportunity to attend the negotiation.

## 6 Freedom of Association

(1) KIDS BIZ OSHC will respect employee rights in relation to freedom of association by adopting and implementing policies and practices that ensure employees are:

(a) free to become members of Eligible Unions; and

(b) free to be represented by Eligible Unions; and

(c) free to participate in lawful industrial activities; and

(d) not discriminated against in respect of benefits in the workplace because they are, or are not, members of an Eligible Union.

(2) KIDS BIZ OSHC will provide all protections in relation to freedom of association as required by the Fair Work Act and shall give full recognition to an employee's rights by:

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- (a) not preventing or deterring an employee from joining and participating in the Eligible Union; and
- (b) allowing for payroll deduction or facilitating direct debit of union membership fees; and
- (c) not advising, encouraging, inciting or coercing an employee to resign their membership of an Eligible Union.

## Document Version Control

Version Date	Changes
15/08/2019	Policy created
27/08/2019	Document version history added
14/07/2020	Full review

Reviewed on:	14/07/2020	Approved on:	15/07/2020
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