

Edmund Rice Camps Inc

VOLUNTEER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES MANUAL

NOVEMBER 2011

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1. Introduction

The mission of Edmund Rice Camps Inc (**ERC**) is

“Guided and inspired by the life of Edmund Rice, with a strong sense of social justice, we commit to the formation of a dynamic and supportive community. By inviting and challenging our volunteers to act as positive role models, we provide opportunities to young people and families for growth, support and enjoyment in an atmosphere of acceptance, care and fun.”

To achieve this mission, it is important that all ERC activities are conducted in a safe and appropriate way. It is also important for ERC, as a workplace for its volunteers and employees, to be a safe environment where all employees and volunteers are aware of their responsibilities and obligations.

2. Policy aim

This manual aims to assist ERC to provide a safe workplace free from inappropriate behavior such as sexual harassment, discrimination and bullying. This policy also aims to ensure that all volunteers and employees of ERC are aware of their rights and responsibilities within ERC regarding their behavior, privacy, media and use of electronic mediums.

3. Audience

Unless otherwise specified in a particular chapter, this policy applies to all volunteers and employees of ERC. It applies for all ERC activities and official functions undertaken by ERC volunteers and employees, including work at the ERC office, work on an ERC camp or activity, and work undertaken on committees and on the Board of ERC.

4. General Statement of Volunteer and Employee Rights and Responsibilities

Responsibilities

- When volunteers and employees are running activities with clients of ERC who are minors, the law recognises ERC volunteers and employees as being *in loco parentis*, ie. they stand in the role of parent/guardian of the children. In this situation, all volunteers and employees running or participating in the activity on behalf of ERC have a *duty of care* towards ERC clients. A duty of care means that volunteers and employees have to take reasonable care to prevent foreseeable harm to ERC's clients when the clients are participating in an ERC activity (such as a camp or activity day). All volunteers and employees running the activity commit to this duty of care for the duration of the activity (for example, on a camp, this is a 24 hour responsibility for the length of the camp).
- The Board of Management, the Executive Officer and the most senior volunteer running an activity (for example, on a camp, this will be the Camp Coach) have primary legal responsibility for the welfare of ERC clients who are participating in an ERC activity. Volunteers (and employees) participating in the activity are required to share in that responsibility through enacting the policies and procedures of ERC, as outlined in the *ERC Operations Manual*.
- The policies and procedures applicable to the roles of volunteers (and employees) will be made known to them through ERC and through access to the *ERC Operations Manual* and this manual.
- It is acknowledged that written procedures cannot cover every possible occurrence on camp. Volunteers and employees are expected to use common sense and initiative when dealing with various situations.

Rights

Volunteers and employees within ERC have the right to:

- Full, up to date and accurate information about ERC.
- Clear instruction, both verbal and written, regarding their roles within ERC.
- Clear information regarding the structure of ERC.
- Be supported and supervised in their role.
- Know to whom they are accountable.
- A healthy and safe working environment.
- Be made aware of the grievance complaint procedures within ERC.
- Say no if they feel they are being exploited.
- Be adequately trained to undertake roles within ERC.

Code of Conduct

Volunteers and employees are the public face of ERC. At all times they are expected to act in accordance with the principles of respect, fairness and justice on which ERC is founded. They are expected to model exemplary behaviour for the clients of ERC and to act within the policies and procedures of ERC. Specifically, volunteers and employees need to:

- Be punctual, polite, reliable and accountable.
- Respect confidentiality.
- Carry out specified role descriptions both responsibly and ethically.
- Undertake training as requested.
- Be committed to the works and charism of Edmund Rice.
- Be prepared to ask for support when needed.
- Value and support other ERC volunteers and employees.

While working on a camp or any other ERC activity, the following rules apply to all volunteers and employees:

- Illegal drugs and alcohol are not to be used on or immediately prior to the camp or activity.
- At no time should volunteers or employees smoke in front of ERC's clients under the age of 18. Smoking is only permitted in designated areas.
- Swearing by volunteers and employees is inappropriate.
- As role models for clients of ERC, exemplary behaviour is expected of all employees and volunteers.
- At all times, fair play and enjoyment should be the theme of any game or activity.
- Games and activities are first and foremost for the benefit of ERC clients. Volunteers' and employees' own enjoyment of them should be secondary to the clients'.
- No contact with clients outside camp is allowable by volunteers or employees except as arranged through the Executive Officer, with the full agreement of the agency and family involved, or for employees, in the course of performing the employee's duties at ERC.
- Physical contact with ERC clients should only be at the instigation of the client. Volunteers and employees should be fully conversant with ERC's *Protective Behaviours Policy*.
- Volunteers and employees often form close relationships with each other on camp. However, discretion must be used in showing affection at appropriate times and places and volunteers and employees must act in accordance with ERC's "Unacceptable Conduct" policy as outlined in this manual. The focus of volunteers' and employees' energies should always be on the clients.

5. Personal Grievances

Overview

This chapter offers employees and volunteers, who have non-vexatious concerns about decision or actions of supervisors (which includes the camp executive) that adversely impact on them, a process to have those decisions and actions reviewed without fear of prejudice or victimisation.

This policy deals with grievances. Where the complaint relates to action that could constitute discrimination, bullying or sexual harassment, employees and volunteers should refer to the specific chapter in this manual regarding "Unacceptable Conduct".

Principles

ERC aims to provide an adequate conclusion to any grievance that may be presented. For this reason, any grievance by an employee or volunteer will be handled with the following considerations in mind:

- Any grievance will be treated seriously and empathically.
- Any grievance will be treated confidentially. All associated with ERC must recognise the need for confidentiality in the course of the grievance resolution process. Lack of confidentiality may lead to legal action against ERC and the individual who breaks confidence (for example, in defamation or breach of confidence).
- Open and positive communication by all parties involved.
- Observance of the rules of natural justice.
- Commitment to non-judgmental, non-adversarial and timely resolution of the grievance. Where possible, grievances will be dealt with within one month.
- Grievances will be investigated in a fair and impartial manner.
- A person who makes a grievance will not be victimised in any way.
- The emphasis lies on addressing disadvantage and the cessation of offending behaviour, if this has occurred, rather than retribution.
- All parties involved in the grievance will be treated with respect.
- Acceptance of the legitimacy of the complainant's feelings.
- Support and protection for all parties concerned.

Definitions

"*Complainant*" means the volunteer or employee who lodges a complaint against another volunteer or employee.

"*Grievance*" means a complaint from an employee or volunteer concerning decisions or actions that personally affect the employee or volunteer. This can include treatment that is inequitable or procedurally unfair, or a complaint that arises from perceived personal concerns relating to one or more work/volunteer-related interpersonal relationships.

"*Respondent*" means the employee or volunteer who the complainant has lodged a grievance about.

"*Supervisor*": in relation to volunteers, the supervisor is the most senior person running the activity (for example, on camp, this will be the Camp Coach). In relation to employees and the most senior volunteer running an ERC activity, the supervisor will be the Executive Officer. In relation to the Executive Officer, the supervisor is the ERC Board Chair.

Rights and Responsibilities

Employees and volunteers:

An employee or volunteer has the right to formulate a grievance in regard to any decision, behaviour, act or omission by the Executive Officer, members of the ERC Board or other employees/volunteers that adversely impacts on him or her.

When a grievance has been lodged by an employee or volunteer (referred to as “**the complainant**”), the employee or volunteer also has a responsibility to participate in the grievance procedure set out in this chapter. The person who is named in the grievance (referred to as “**the respondent**”), the people investigating the grievance, and any witnesses to the grievance, must also comply with the procedure set out in this chapter and the chapter entitled “Resolving Grievances and Unacceptable Conduct Complaints”.

At any time, a volunteer or employee has the right to take his or her grievance to an outside organisation.

Supervisors:

Supervisors must ensure that all volunteers and employees are aware of appropriate channels for resolving grievances.

Supervisors must:

- monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- model appropriate behaviour themselves;
- promote ERC's policies as needed;
- treat all grievances seriously;
- take immediate action to investigate, resolve and prevent further grievances in accordance with this chapter and the chapter entitled "Resolving Grievances and Unacceptable Conduct Complaints";
- refer all grievances to the Contact Officer if they do not feel that they are the best person to deal with the case. For instance, if there is a conflict of interest or if the issue is particularly complex or serious;
- be vigilant about, and identify, warning signs of grievances;
- take action to eliminate grievances regardless of whether a complaint has been made; and
- encourage reporting of grievances.

Resolving Grievances

The process for resolving a grievance is set out in the chapter entitled "Resolving Grievances and Unacceptable Conduct Complaints".

6. Unacceptable conduct

Overview

At times, situations may arise that an employee or volunteer finds unacceptable. This chapter outlines the actions that can be taken to have such situations dealt with fairly and quickly to resolve the situation.

ERC is committed to providing a working environment in which all employees and volunteers are treated with dignity and respect, where unacceptable conduct such as bullying, harassment, victimisation, racial and religious vilification and discrimination will not be tolerated, and where all employees and volunteers are respected and can be productive without interference from unacceptable conduct.

This chapter is also aimed at assisting ERC providing a workplace for volunteers and employees that is safe and free from unacceptable conduct.

It is the responsibility of all employees and volunteers to ensure that they do not engage in unacceptable conduct, both in the physical workplace environment and in other environments such as the on-line environment, bearing in mind that such conduct may be against the law (for example, it is illegal to discriminate against others and sexually harass others).

This chapter covers:

- discrimination;
- racial and religious vilification;
- sexual harassment;
- bullying;
- victimisation and reprisal; and
- the process for dealing with these issues.

Principles

ERC finds unacceptable conduct, such as discrimination, vilification, bullying and sexual harassment, in the workplace unacceptable and is committed to ensuring its working environment is free from such conduct for all employees, volunteers and ERC clients.

In particular, ERC aims to ensure that:

- any offending behaviour stops;
- there are no reprisals for having brought forward a complaint;
- where disadvantage has occurred it is redressed; and
- complaints are resolved.

For this reason, any complaint regarding unacceptable conduct made by an employee or volunteer will be handled with the following considerations in mind:

- Any report of unacceptable conduct will be treated seriously and empathically.
- Any complaint will be treated confidentially. All associated with ERC must recognise the need for confidentiality in the course of the complaint resolution process. Lack of confidentiality may lead to legal action against ERC and the individual who breaks confidence (for example, in defamation or breach of confidence).
- Open and positive communication by all parties involved.
- Observance of the rules of natural justice.
- Commitment to non-judgmental, non-adversarial and timely resolution of the complaint. Where possible, complaints will be dealt with within one month.
- Complaints will be investigated in a fair and impartial manner.
- A person who makes a complaint will not be victimised in any way.
- If the seriousness of the complaint requires legal or police action then the appropriate procedures will be followed according to the Operating Procedures Manual.

- The emphasis lies on addressing disadvantage and the cessation of offending behaviour, if this has occurred, rather than retribution.
- All parties involved in the complaint will be treated with respect.
- Acceptance of the legitimacy of the complainant's feelings.
- Support and protection for all parties concerned.

Definitions

General concepts:

“*Complainant*”: the person who lodges a complaint regarding unacceptable conduct against another volunteer or employee of ERC.

“*Contact Officer*”: means the Executive Officer, unless the complaint is about the Executive Officer in which case, the contact officer is the ERC Board Chair.

“*Respondent*”: the employee or volunteer of ERC who the complainant alleges has engaged in unacceptable conduct.

“*Supervisor*”: in relation to volunteers, the supervisor is the most senior person running the activity (for example, on camp, this will be the Camp Coach). In relation to employees and the most senior volunteer running an ERC activity, the supervisor will be the Executive Officer. In relation to the Executive Officer, the supervisor is the ERC Board Chair.

“Unacceptable conduct” includes conduct by an employee or volunteer of ERC which amounts to bullying, sexual harassment, racial vilification, religious vilification, discrimination or victimisation.

“Victimisation” is where an employee or volunteer of ERC subjects another employee, volunteer or ERC client to any detriment because that person has made a complaint of unacceptable conduct (either under this manual or to an external organisation) against any employee or volunteers.

Unacceptable conduct could occur in any workplace or at any ERC activity or function. Warning signs of unacceptable conduct include:

- high levels of increases in employee or volunteer turnover;
- employees or volunteers resigning or leaving suddenly without explanation;
- withdrawn or isolated employees or volunteers; and
- complaints about unacceptable conduct.

This is by no means an exhaustive list.

Bullying concepts:

“*Bullying*” means consistent repeated, unreasonable behaviour directed towards an employee or volunteer, or group of employees or volunteers that creates a risk to health and safety. A single incidence of bullying behaviour does not constitute workplace bullying¹. The motive of the respondent is not a factor in determining whether or not behaviour is “bullying”.

“*Behaviour*” includes actions of individuals or a group, and may involve using a system of work as a means of bullying.

“*Risk to health and safety*” includes risk to the mental or physical health of an employee or volunteer.

¹ If an employee or volunteer of ERC believes he or she has been subjected to a single incidence of bullying, the employee or volunteer can access the “Personal Grievance” chapter of this manual.

Bullying can have major impacts on both individuals and ERC. For example, bullying seriously impacts the mental and physical wellbeing and safety of employees and volunteers with potential flow-on effects to ERC's clients.

Examples of bullying are:

- Verbal abuse (whether orally or in writing) or yelling;
- Humiliating an employee or volunteer through sarcasm, name-calling, criticism or insults;
- Psychological or physical harassment;
- Exclusion of an employee or volunteer from workplace activities;
- Isolating an employee or volunteer;
- Repeatedly assigning an employee or volunteer the majority of unpleasant, meaningless or impossible tasks;
- Intimidation or threats;
- Setting unrealistic deadlines;
- Exclusion from the workgroup;
- Deliberately withholding information;
- Unwanted physical contact;
- Constant nit-picking and fault-finding without justification;
- Threats;
- Spreading rumors or distributing (or even taking) photographs or other written materials through any medium (for example, mobile phone text, email or social networking sites); and
- Violence.

This is by no means an exhaustive list of bullying behaviours.

Sexual harassment concepts:

“Sexual harassment” means unwelcome sexual advances, or unwelcome requests for sexual favours, to another person, or unwelcome conduct of a sexual nature in relation to another person where a reasonable person would have anticipated that the complainant would be offended, humiliated or intimidated.

Sexual harassment can include the following:

- suggestive remarks or innuendo;
- demeaning comments or jokes;
- taking or displays of offensive pictures or illustrations (or sending these via email, text or social media websites);
- unwelcomed and uninvited physical contact (eg brushing against a person, patting or pinching);
- unwelcomed and uninvited sexual propositions, demands or advances;
- offensive hands or body gestures;
- offensive staring or leering; and
- intimidation, abuse or assault.

This is by no means an exhaustive list of sexually harassing behaviours.

Sexual harassment varies in the degree and extent to which it causes offence and/or distress. It may result in the complainant feeling pressure, distress, guilt and/or confusion. It may create a harmful environment characterised by fear, tension, anxiety and conflict.

The motivation of the respondent is irrelevant.

Sexual harassment is not behaviour, which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

Discrimination concepts:

“Attribute” means age, breastfeeding, employment activity, gender identity, disability (includes physical and mental), industrial activity, lawful sexual activity, marital status, parental or carer status, physical features, political belief or

activity, pregnancy, race, religious belief or activity, sex, sexual orientation or personal association with a person who is identified by reference of any of these attributes.

“Discrimination” is where a volunteer or employee of ERC either:

- treats, or proposes to treat, another volunteer or employee, or a client of ERC unfavourably because of that person’s attribute; or
- imposes, or proposes to impose, an unreasonable condition on another volunteer or employee, or client of ERC, that will disadvantage the person because of his or her attribute.

“Racial vilification” is where an ERC volunteer or employee incites hatred, serious contempt, ridicule or revulsion against another ERC volunteer, employee or ERC client because of race. This can occur on a single occasion or a number of occasions.

“Religious vilification” is where an ERC volunteer or employee incites hatred, serious contempt, ridicule or revulsion against another ERC volunteer, employee or ERC client because of religion. This can occur on a single occasion or a number of occasions.

Examples of inappropriate behaviour includes:

- derogatory name calling;
- insults and racist/religious jokes;
- ridicule of any individual for cultural or religious differences;
- regular exclusion from normal workplace conversation;
- racist/religious graffiti;
- verbal abuse and threats;
- unwelcome remarks or innuendoes;
- taunting about a person’s race or another attribute;
- physical attack; and
- refusing a promotion, training or benefit to someone because of their attribute.

This is by no means an exhaustive list of discriminatory or vilifying behaviours.

With discrimination and vilification, the motive of the respondent is irrelevant. What is relevant is that the behaviour is offensive to the complainant.

Rights and Responsibilities

Volunteers and employees

All employees and volunteers are expected to treat their colleagues and ERC clients with respect and dignity and must ensure that their behaviour does not constitute unacceptable conduct. Employees and volunteers must not condone circumstances which may allow or lead to unacceptable conduct. Unacceptable conduct is inconsistent with good working relations and the values and mission of ERC.

Employees and volunteers also have a responsibility to:

- upon becoming aware of another employee or volunteer, or an ERC client, suffering from unacceptable conduct, they should offer their support to the person and encourage the person to attempt to resolve the issue. This may include giving advise regarding where the person can get help (they should not, however, approach the respondent);
- be vigilant about, and identify, warning signs of unacceptable conduct;
- be aware of, identify and where appropriate, report to their supervisor unacceptable conduct;
- cooperate with ERC and their supervisor regarding action taken to prevent unacceptable conduct or to deal with allegations of unacceptable conduct;
- maintain confidentiality at all times (with the exception of reporting unacceptable conduct to supervisors); and

- upon becoming aware of a client suffering from unacceptable conduct, report the matter to their supervisor.

An employee or volunteer has the right to formulate a complaint regarding unacceptable conduct that they have been subject to by another employee, volunteer or ERC client.

When a complaint has been lodged by an employee or volunteer (referred to as “**the complainant**”), the complainant also has a responsibility to participate in the complaint procedure set out in this chapter. The person who is named in the complaint (referred to as “**the respondent**”), the people investigating the complaint, and any witnesses to the unacceptable conduct, must also comply with the procedure set out in this chapter and the chapter entitled “Resolving Grievances and Unacceptable Conduct Complaints”.

At any time, a volunteer or employee has the right to take his or her complaint to an outside organisation. This includes:

- In relation to sexual harassment complaints, employees, volunteers and ERC clients may make a complaint to the Victorian Civil and Administrative Tribunal, or the Victorian Equal Opportunity and Human Rights Commission.
- In relation to discrimination, victimisation, racial or religious vilification, employees and ERC clients may make a complaint to the the Victorian Civil and Administrative Tribunal, the Victorian Equal Opportunity and Human Rights Commission, or the Australian Human Rights Commission.
- In relation to bullying, employees and volunteers may contact WorkSafe Victoria.

Responsibilities of supervisors:

Supervisors must ensure that all volunteers and employees are aware of appropriate and acceptable standards of behaviour at work and at ERC activities (such as camps) and functions.

Supervisors must:

- monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- model appropriate behaviour themselves;
- promote ERC's unacceptable conduct policy as needed;
- treat all complaints seriously;
- take immediate action to investigate, resolve and prevent further complaints of unacceptable conduct or unacceptable conduct observed by, or brought to the attention of, the supervisor in accordance with this chapter and the chapter entitled "Resolving Grievances and Unacceptable Conduct Complaints";
- refer all complaints of unacceptable conduct, or instances of unacceptable conduct observed by, or brought to the attention of, the supervisor to the Contact Officer if they do not feel that they are the best person to deal with the case. For instance, if there is a conflict of interest or if the issue is particularly complex or serious;
- be vigilant about, and identify, warning signs of unacceptable conduct;
- take action to eliminate unacceptable conduct regardless of whether a complaint has been made; and
- encourage reporting of unacceptable conduct and reporting of warning signs of unacceptable conduct.

Resolving Complaints

The process for resolving complaints about unacceptable conduct is set out in the chapter entitled "Resolving Grievances and Unacceptable Conduct Complaints".

Process where unacceptable conduct has been observed

There may be situations where employees, volunteers, or supervisors identify or observe unacceptable conduct but no one makes a complaint.

If this occurs, the following process should be followed by volunteers and employees:

- volunteers or employees should offer their support to the person and encourage the person to attempt to report the issue to his or her supervisor; and
- where the unacceptable conduct is serious, the volunteer or employees should report the conduct to his or her supervisor.

If this occurs, the following process should be followed by supervisors;

- supervisors should discuss the issue with the complainant;
- if the complainant does not wish to take any action, supervisors should consider whether or not the issue is sufficiently serious to nevertheless report the matter to the Contact Person. Whether something is sufficiently serious will depend on the situation but an example is where there is a risk that the complainant, or other volunteers, employees or ERC clients, could be subject to further unacceptable conduct by the respondent.

Once the matter has been reported to the Contact Person, the Contact Person should follow the procedure outlined under "Report to Contact Person" set out in the chapter entitled "Resolving Grievances and Unacceptable Conduct Complaints".

Resources:

- WorkSafe Victoria: www.workcover.vic.gov.au
- The Victorian Equal Opportunity & Human Rights Commission: <http://www.humanrightscommission.vic.gov.au/>
- The Australian Human Rights Commission: <http://www.hreoc.gov.au/>

Legislation

Equal Opportunity Act 2010 (Victoria)

Racial and Religious Tolerance Act 2001 (Victoria)

Disability Discrimination Act 1992 (Commonwealth)

Australian Human Rights Commission Act 1986 (Commonwealth)

Occupational Health and Safety Act 1985 (Victoria) NB: This is replaced by the OH&S Act 2012 on 1st January 2012.

All reference to the 1985 act will be superseded by the 2012 Act in this policy.

Sex Discrimination Act 1984 (Commonwealth)

Racial Discrimination Act 1975 (Commonwealth)

Crimes Act 1958 (Victoria)

7. Resolving grievances and complaints about unacceptable conduct

Overview

If volunteers and employees have grievances or complaints about unacceptable conduct, it is important that they are aware of the options available to resolve the grievance or complaint. This chapter outlines that process.

Principles

ERC finds unacceptable conduct in the workplace unacceptable and is committed to ensuring its working environment is free from such conduct for all employees, volunteers and ERC clients. ERC is also committed to providing an adequate conclusion to any grievance that may arise for its volunteers and employees.

In particular, ERC aims to ensure that:

- any offending behaviour stops;
- there are no reprisals for having brought forward a complaint or grievance;
- where disadvantage has occurred it is redressed; and
- complaints and grievances are resolved.

For this reason, any grievance or complaint regarding unacceptable conduct made by an employee or volunteers will be handled with the following considerations in mind:

- Any grievance or complaint of unacceptable conduct will be treated seriously and empathically.
- Any grievance or complaint will be treated confidentially. All associated with ERC must recognise the need for confidentiality in the course of the resolution process. Lack of confidentiality may lead to legal action against ERC and the individual who breaks confidence (for example, in defamation or breach of confidence).
- Open and positive communication by all parties involved.
- Observance of the rules of natural justice.
- Commitment to non-judgmental, non-adversarial and timely resolution. Where possible, grievances and complaints will be dealt with within one month.
- Grievances and complaints will be investigated in a fair and impartial manner.
- A person who lodges a grievance or a complaint will not be victimised in any way.
- If the seriousness of the grievance or complaint requires legal or police action then the appropriate procedures will be followed according to the Operating Procedures Manual.
- The emphasis lies on addressing disadvantage and the cessation of offending behaviour, if this has occurred, rather than retribution.
- All parties involved in the matter will be treated with respect.
- Acceptance of the legitimacy of the complainant's feelings
- Support and protection for all parties concerned.

Definitions

“Complainant”: the person who lodges either a grievance or a complaint regarding unacceptable conduct against a volunteer or employee of ERC.

“Contact Officer”: means the Executive Officer, unless the complaint or grievance is about the Executive Officer in which case, the contact officer is the ERC Board Chair.

“Grievance” means a complaint from an employee or volunteer concerning a decision or actions that personally affect the employee or volunteer. This can include treatment that is inequitable or procedurally unfair, or a complaint that arises from perceived personal concerns relating to one or more work/volunteer-related interpersonal relationships.

“Respondent”: the employee or volunteer of ERC who the complainant alleges has engaged in unacceptable conduct, or who the complainant has a grievance about.

“Supervisor”: in relation to volunteers, the supervisor is the most senior person running the activity (for example, on camp, this will be the Camp Coach). In relation to the senior volunteer running the activity and employees, the supervisor will be the Executive Officer. In relation to the Executive Officer, the supervisor is the ERC Board.

“Unacceptable conduct” includes conduct by an employee or volunteer of ERC which amounts to bullying, sexual harassment, racial vilification, religious vilification, discrimination or victimisation (note that these concepts are defined in the chapter entitled "Unacceptable Conduct").

Process for resolving grievances and complaints of unacceptable conduct

The following options are available for resolving complaints of unacceptable conduct.

(a) Directly approach the person involved

The complainant can approach the respondent and explain clearly what is offensive or hurtful or not acceptable about that person’s behaviour. If the issue is about a work-based decision, state clearly to the respondent what the issue is. If the issue is regarding the respondent's conduct, advise the respondent what the behaviour is that is offensive/hurtful/not acceptable.

The complainant and respondent should then try to resolve the complaint between each other by an informal process which may include, an informal meeting or a more formal mediation which is chaired by a neutral person in a fair manner having regard to the principles set out in this chapter.

Direct resolution between the complainant and respondent is the preferred approach wherever possible. However, ERC recognises that this may not be appropriate in some situations, depending on the nature of the unacceptable conduct or grievance.

(b) Report to your supervisor

If the complainant feels that a direct approach to the respondent is not appropriate, or the complainant has tried to directly approach the respondent but has not been able to resolve the issue, the complainant should inform his or her supervisor.

The supervisor and complainant should discuss the issue with the respondent in an attempt to identify a possible resolution. A process for resolving the complaint can be an informal meeting or a more formal mediation which is chaired by the supervisor in a fair manner having regard to the principles set out in this chapter.

(c) Report to the Contact Person

If the issue is not resolved through options (a) or (b), the complainant and supervisor should report the issue to the Contact Person. If the supervisor believes it is inappropriate for the Contact Person to deal with the complaint, the supervisor will, refer the complaint to the ERC Board Chair.

Once referred to the Contact Person (or the Contact Person’s alternative), the Contact Person may request that the complainant put the complaint or grievance in writing. The issue will then be dealt with using the following process (note that the Contact Person will document all interviews and all actions taken as part of the investigation and resolution of the complaint):

(i) Interview of complainant

The Contact Person will interview the complainant. The complainant may be accompanied by a support person. The support person may not speak on behalf of the complainant. During this interview a number of things should be outlined to the complainant:

- Possible options if the complaint or grievance is found to be supported
- Possible options if the complaint or grievance is found to be not supported
- Where the complainant can go to for assistance if they are not happy with the way ERC is dealing with the issue. Some of the options are:
 - In relation to sexual harassment complaints, employees, volunteers and ERC clients may make a complaint to the Victorian Civil and Administrative Tribunal or the Victorian Equal Opportunity and Human Rights Commission.
 - In relation to discrimination, victimisation, racial or religious vilification, employees and ERC clients may make a complaint to the the Victorian Civil and Administrative Tribunal, the Victorian Equal Opportunity and Human Rights Commission or the Australian Human Rights Commission.
 - In relation to bullying or other workplace issues, employees and volunteers may contact WorkSafe Victoria.
- The importance of confidentiality will be stressed to the complainant, along with consequences if there is a breach of confidentiality (ie that if confidentiality is breached, this will be treated as a misconduct issue by ERC and there may also be other legal consequences against the complainant, such as defamation actions).

(ii) Interview of the respondent and witnesses

The Contact Person will:

- Interview the respondent. The respondent may be accompanied by a support person. The support person may not speak on behalf of the respondent. The respondent will be advised of the full details of the grievance or complaint so that the respondent can provide his or her side of the story.
- Interview any known witnesses.
- The importance of confidentiality will be stressed to the respondent and witnesses, along with consequences if there is a breach of confidentiality (ie that if confidentiality is breached, this will be treated as a misconduct issue by ERC and there may also be other legal consequences against the respondent or witnesses, such as defamation actions).
- Conduct all interviews separately and impartially.
- Respect the confidentiality of all involved except for matters that require legal or police investigation.

(iii) Action to be taken

The Contact Person will discuss with the complainant and the respondent his or her preliminary outcomes of the investigation and discuss an action that will provide an appropriate result based on the circumstances. The Contact Person will consider the respondent and complainant's views and response in deciding on the final resolution of the issue.

(iv) Resolution

The Contact Person will inform the complainant and respondent of the outcome of the process in writing. There are three possible key outcomes of an investigation, each with its own potential courses of action to be taken as follows:

1. Matter Proven

If the complaint or grievance is proved, the following are possible outcomes:

- a written apology from the respondent or ERC to the complainant;
- an official warning from ERC to the respondent;
- counseling or training of the respondent; or
- disciplinary action against the respondent, which may result in:
 - in the case of an employee, dismissal (such action may only be taken in accordance with the employee's employment contract and relevant legislation);
 - in the case of a volunteer, exclusion from all involvement with ERC (eg exclusion from volunteer or fundraising activities);
 - direct the volunteer or employee to perform alternative duties; or
 - performance management.

2. Matter Unproven

If the complaint or grievance is unproven or there is not enough evidence, possible outcomes are:

- relevant training for all employees and volunteers;
- monitoring of behaviour of employees and volunteers; or
- no further action.

3. False Allegations

If the complainant is proven to have made false allegations, the following are possible outcomes:

- counseling for the complainant;
- a written apology from the complainant to the respondent;
- an official warning to the complainant;
- disciplinary action against the complainant, which may result in:
 - in the case of an employee, dismissal (such action may only be taken in accordance with the employee's employment contract and relevant legislation);
 - in the case of a volunteer, exclusion from all involvement with ERC (eg exclusion from volunteer or fundraising activities) and other ERC activities;
 - direct the volunteer or employee to perform alternative duties; or
 - performance management.

The Contact Person will ensure that the outcome is implemented (this includes monitoring progress and offering further assistance to the complainant and respondent when required). The complainant and respondent will be responsible for undertaking any tasks required as a result of the outcome.

The Contact Person will notify the ERC Board of the complaint where:

- the complainant considers that the outcome of the matter is not satisfactory;
- it is a sufficiently serious or complex matter; or
- if, due to the nature of the issue, it is necessary for the complainant to consult an outside organisation.

Appeals

If the complainant or respondent is of the belief that this procedure has not been followed properly, or that the outcome is unacceptable, they may appeal to the Board Chair. The complainant or respondent must outline the grounds of their appeal. The Board Chair may request that the outline be put in writing.

Where an appeal is made, the following process will occur:

- The Board Chair will assess the process by which the complaint or grievance was handled and examine the outcome of it.
- If the Board Chair believes the complaint or grievance was handled properly and that the outcome was appropriate, the Board Chair will confirm this in writing to the complainant and respondent and no further action will be taken.
- If the Board Chair considers that the complaint or grievance was not handled properly, or that the outcome was inappropriate, the Board Chair will arrange for someone other than the Contact Officer (ie the person who investigated the matter) to investigate the complaint or grievance using the process outlined above.
- Once the appeal has been resolved, if the complainant or respondent considers that the matter remains unresolved, it will be reviewed by the Board Chair who will make a final decision as to the outcome of the issue. Alternatively, ERC may wish to contact an external agency for further advice and assistance.

The complainant may take the complaint to an external agency at any stage in the procedure if he or she is unhappy with the process or progress in dealing with the complaint, or if he or he unhappy with the outcome.

Contacts

Within ERC, there are people who have been appointed as contact persons. In the first instance this will be the ERC Executive Officer. If your complaint is about the Executive Officer, you may choose to contact the ERC Board Chair.

The role of these people is to:

- Determine what the complainant wants and provide options available to resolve the complaint or grievance. This will include setting out clearly the options that are appropriate for different circumstances.
- Offer support to the complainant in her/his attempt to resolve the matter informally, such as accompanying her/him to see the respondent (NB. If asked by the complainant to accompany them, it is not the role of the Contact Officer to speak for the complainant).
- Follow up and monitor to ensure that outcome of the complaint or grievance is implemented.

8. Managing underperformance and misconduct

Overview and principles

While performing duties or engaging in other activities at ERC, employees and volunteers must comply with the policies of ERC and meet the expected standard of performance.

This chapter deals with situations where employees and volunteers are not complying with ERC policies or performing to the expected standard of performance. The purpose of this chapter is to assist and support underperforming employees and volunteers to improve their performance, and to deal with misconduct issues.

The principles of procedure fairness underpin all actions taken under this chapter.

Definitions

"Misconduct" includes:

- Failing to comply with any of ERC's policies and procedures;
- Engaging in unacceptable conduct (as defined in the chapter entitled "Unacceptable Conduct");
- Failing to comply, without a reasonable excuse, a lawful direction given to the employee or volunteer by his or her supervisor;
- An employee or volunteer making improper use of his or her position for personal gain;
- Conduct that causes risk to the health or safety of a person or the reputation or viability of ERC;
- drunkenness or any other drug induced behaviour which, in ERC's opinion, adversely effects your work performance; any act of violence towards fellow employees; volunteers or clients

This is by no means an exhaustive list of misconduct.

"Contact person" means the Executive Officer or where the misconduct or underperformance relates to the Executive Officer, the ERC Board Chair.

"Supervisor" means, in relation to volunteers, the supervisor is the most senior person running the activity (for example, on camp, this will be the Camp Coach). In relation to employees and the senior volunteer running the activity, the supervisor will be the Executive Officer. In relation to the Executive Officer, the supervisor is the ERC Board.

"Underperformance" (or "underperforming") is where an employee or volunteer is performing to a standard below that required or expected of their role.

Misconduct or underperformance by volunteers during an ERC activity (eg a camp)

Whilst running an ERC activity, it is important that supervisors quickly and fairly deal with any misconduct or underperformance by volunteers in a way that does not impact on ERC's clients.

The following are guiding principles:

- Expectations relating to volunteer behaviour on all ERC activities is clearly outlined at New Leader Training Days, Pre-Camp Days and Pre-Activity briefings.
- The supervisor is responsible for maintaining communication with volunteers on any ERC activity (eg a camp) to ensure they remain focused on the job at hand.
- If a volunteer is deemed to be underperforming or engaging in misconduct, it is the supervisor's responsibility to enact appropriate discipline.
- This should take the form of speaking to the volunteer to remind the volunteer of his or her responsibilities as a volunteer.
- If the supervisor deems it necessary, the Executive Officer should be called to the camp to deal with the situation.

- The last resort is to remove the leader from the volunteer activity. This can only be done with the authority of the Executive Officer.
- Where the Executive Officer has been requested to deal with the situation, or the volunteer has been removed from the activity, the Executive Officer may consider whether any further action is necessary and whether to institute the “managing misconduct” procedure outlined below.

After the camp has concluded, the following principles apply:

- The performance of all volunteers on each camp and activity days will be reviewed by the Camp Executive with the Executive Officer in a follow-up meeting within two weeks of the conclusion of the camp.
- Recommendations regarding individual volunteers will be retained by the Executive Officer and will remain confidential. However a volunteer may request the Executive Officer to provide him or her with feedback about his or her performance on camp.
- Information regarding leadership qualities will be recorded on the ERC database and will only be accessible by password by ERC employees.

Managing misconduct

Where an employee or volunteer is alleged to have engaged in misconduct the misconduct should be referred to the Contact Officer. The Contact Officer should:

- Decide whether to conduct an investigation of the complaint. To do so, the Contact Officer should:
 - Notify the volunteer or employee of the allegations of misconduct as soon as practicable after the allegations were made. Information will only be withheld where this is necessary to protect the personal privacy of another person. Advise the employee or volunteer that the allegations may be investigated and the potential consequences if the allegations are substantiated.
 - Provide the employee or volunteer with an opportunity to respond.
 - Consider the employee or volunteer's response, make any further reasonable inquiries and act fairly in determining whether to conduct an investigation.
- Investigate the complaint.
 - The Contact Officer may arrange for an external organisation to conduct the investigation or conduct the investigation him or herself. The person conducting the investigation must not have any prior personal involvement in the matter.
 - This will include interviewing witnesses and the particular employee or volunteer. The employee or volunteer may be accompanied by a support person (but the support person may not speak for the employee or volunteer). If the employee or volunteer admits the allegations, the Contact Officer may cease the investigation and make a determination on the appropriate discipline outcome (if any).
- Make a determination on each allegation of misconduct - ie determine whether each allegation is substantiated or not substantiated.
- Provide the employee or volunteer with the findings of the investigation.
- Provide the employee or volunteer the opportunity to respond to the findings of the investigation.
- If all allegations are not substantiated, advise the employee or volunteer that the process has concluded.
- If an allegation is substantiated, provide the employee or volunteer with the proposed discipline outcome (if any). The employee or volunteer must be given an opportunity to respond.
- Consider the findings of the investigation, the employee or volunteer's response, and finalise the appropriate discipline outcome (such outcome to be notified to the employee or volunteer in writing). Discipline outcomes may include:
 - no action;
 - performance management;

- counselling or training for the volunteer or employee;
- an official warning to the volunteer or employee;
- in the case of an employee, dismissal (such action may only be taken in accordance with the employee's employment contract and relevant legislation);
- in the case of a volunteer, exclusion from all involvement with ERC (eg exclusion from volunteer or fundraising activities); or
- direct the volunteer or employee to perform alternative duties.
- referral to Victoria police

Managing underperformance

Where an employee or volunteer is underperforming, the Contact Officer should undertake the following process:

- Address underperformance as and when it arises to provide the employee or volunteer with the support and assistance to improve their performance at the earliest opportunity.
- Undertake preliminary discussions with the employee or volunteer to determine whether there are any organisational or personal factors that are playing a role in the employee or volunteer's underperformance.
- Having regard to those discussions, consider whether there are any alternatives to underperformance management action (such as offering training to the employee or volunteer).
- Attempt informal underperformance measures (such as identifying the problems and setting realistic goals and deadlines).
- If, following a reasonable period of informal measures, the employee or volunteer is still underperforming, conduct a more formal process which may include the following measures:
 - Increased supervision;
 - Changes to the person's performance plan;
 - Mentoring;
 - Training and professional development;
 - Increase feedback; and/or
 - Coaching.
- Prior to adopting informal or formal performance management measures:
 - Advise the employee or volunteer of the basis for the assessment that he or she is underperforming and the consequences for not addressing the assessed underperformance.
 - Provide the employee or volunteer with an opportunity to respond to that assessment.
 - Consider the employee or volunteer's response, make any further reasonable inquiries and act fairly in determining whether to continue with informal or formal performance management measures.

Appeals

If the employee or volunteer is of the belief that this procedure has not been followed properly, or that the outcome is unacceptable, he or she may appeal to the Board Chair. The person must outline the grounds of their appeal. The Board Chair may request that the outline be put in writing.

Where an appeal is made, the following process will occur:

- The Board Chair will assess the process by which the underperformance or misconduct issue was handled and examine the outcome of it.
- If the Board Chair believes the issue was handled properly and that the outcome was appropriate, the Board Chair will confirm this in writing to the employee or volunteer and no further action will be taken.
- If the Board Chair considers that the issue was not handled properly, or that the outcome was inappropriate, the Board Chair will arrange for someone other than the Contact Officer (ie the person who investigated the matter) to investigate the issue using the process outlined above.
- Once the appeal has been resolved, if the employee or volunteer considers that the matter remains unresolved, it will be reviewed by the Board Chair who will make a final decision as to the outcome of the issue. Alternatively, ERC may wish to contact an external agency for further advice and assistance.

9. Reasonable adjustments

Overview

ERC is committed to creating a diverse workplace. This involves recognising and valuing the background, experience, perspective and abilities of individuals. Reasonable adjustment is a tool for supporting and enabling people with a disability to participate in the ERC workforce.

Principles

This chapter applies to employees of ERC only. It also applies to job applicants to ERC.

This chapter outlines the procedures for applying reasonable adjustments in ERC.

Definitions

"Disability" includes a physical or mental disability.

"Reasonable adjustment" refers to any reasonable alterations required to enable a person with a disability to safely and effectively perform the inherent requirements of his or her job, or for an applicant for a job, to enable him or her to have equal opportunity to be considered for selection and subsequently perform the inherent requirements of the job. Examples are:

- Adjustments to work-related communications or information provision including the form or format in which information is provided;
- Alterations to work methods and tasks; and
- Adjustments to work arrangements such as hours of work and use of leave.

"Unjustifiable hardship" is where ERC does not have capacity to provide reasonable adjustments. This will depend on the circumstances including:

- the nature of the employee's circumstances (including the disability);
- the nature of the employee's role;
- the nature of the adjustment required to accommodate the disability;
- the financial circumstances of ERC;
- the size and nature of the workplace and ERC;
- the effect on ERC and the workplace in making the adjustment (eg the financial impact, the number of persons who would benefit from or be disadvantaged by doing so, and the impact on efficiency and productivity);
- the consequences for ERC of making the adjustment; and
- the consequences for the employee of not making the adjustment.

Roles and Responsibilities

Employees

- Speak to the Executive Officer about a disability if it affects your capacity to perform the inherent requirements of your job safely and effectively, or if it has an impact on the health and safety of others in the workplace.
- Suggest reasonable adjustments that would enable you to do the inherent requirements safely and effectively.
- Where relevant, provide written advice from an appropriate expert or health professional.
- If you require assistance to evacuate the workplace in an emergency, speak to the Executive Officer immediately.
- Advise the Executive Officer as soon as possible if the reasonable adjustments put in place are not working for you.

- Participate in regular reviews of the reasonable adjustments with the Executive Officer.

Executive Officer

- Identify and implement reasonable adjustments, unless there is an unjustifiable hardship in doing so, in the selection process if an applicant for a job advises that he or she has a disability.
- Talk with all new employees about any special needs or adjustments that they may need to have made in the workplace.
- Work with employees who indicate that they have a disability to identify potential issues and reasonable adjustments that can be made to their work tasks or work environment.
- Where necessary, seek advice from an external expert or health professional to determine, in conjunction with the employee, what reasonable adjustments are required.
- Implement any required reasonable adjustments unless it would cause an unjustifiable hardship.
- With the employee, monitor and review the effectiveness of any reasonable adjustments that have been implemented at agreed intervals.
- Where the employee indicates that he or she needs assistance to evacuate the workplace in an emergency, implement measures to assist in the evacuation.

Resources

- WorkSafe Victoria: www.workcover.vic.gov.au
- The Victorian Equal Opportunity & Human Rights Commission: <http://www.humanrightscommission.vic.gov.au/>
- The Australian Human Rights Commission: <http://www.hreoc.gov.au/>

Legislation

Equal Opportunity Act 2010 (Victoria)

Disability Discrimination Act 1992 (Commonwealth)

Australian Human Rights Commission Act 1986 (Commonwealth)

Occupational Health and Safety Act 1985 (Victoria)

10. Privacy

Objectives

The objective of this chapter is to ensure that all employees and volunteers understand their rights and responsibilities regarding privacy. This will assist in protecting the privacy of ERC employees, volunteers and clients.

Principles

ERC (Vic) Inc holds information on volunteers, employees and clients and respects their privacy.

In all situations, employees and volunteers are responsible for ensuring the confidential and secure treatment of personal information. Personal information will only be collected when it is necessary for the functions of ERC and will be stored securely and confidentially.

All employees and volunteers are required to comply with this chapter when dealing with (eg collecting, using or disclosing) personal information.

Definitions:

"*Personal information*" refers to all information, or an opinion, about a person whose identity can be reasonably ascertained by the contents of the document.

"*Sensitive information*" refers to personal information, or an opinion, regarding a person's:

- racial or ethnic origin;
- political opinions;
- membership of a political association;
- religious beliefs or affiliations;
- philosophical beliefs;
- membership of a professional or trade association;
- membership of a trade union;
- sexual preferences or practices;
- criminal record;
- health; or
- genetics.

Collection of personal information

ERC collects and holds information, which includes personal and sensitive information about:

- Job applicants, employees, volunteers and contractors;
- ERC clients; and
- Other people who come into contact with ERC.

ERC generally collects such information by way of completed forms, face-to-face meetings, interviews, telephone calls or electronic mail.

ERC will only collect personal information where it is necessary for ERC to perform its functions or activities.

At the time of collecting personal information, ERC will advise the individual about whom information is collected of:

- The contact details of ERC;
- The individual's right to access his/her own information;
- The purpose for which the information is collected;

- The types of organisations to which that information is usually disclosed to. This may include:
 - government departments;
 - medical practitioners;
 - people providing services to ERC;
 - recipients of ERC publications, such as newsletters and magazines; and
 - bodies with legal entitlements to the information.
- Any law which requires the collection of the information; and
- The main consequences (if any) if the individual chooses to not provide the information to ERC.

If it is reasonable and practicable, ERC will only collect personal information about an individual from that individual. But if ERC does collect personal information about an individual from someone else, ERC will take reasonable steps to ensure that the individual is or has been made aware of the above matters.

For sensitive information, ERC will only collect that information if:

- the individual has consented;
- the collection is required by law;
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - is physically or legally incapable of giving consent to the collection; or
 - physically cannot communicate consent to the collection; or
- the information relates solely to the members of ERC or to persons who have regular contact with ERC and at or before the time of collecting the information, ERC undertakes to the individual whom the information concerns that ERC will not disclose the information without the individual's consent.

Where lawful and practicable, individuals will be given the opportunity of not identifying themselves when dealing with ERC.

Use and disclosure of personal information

ERC will only use or disclose personal information in the following circumstances:

- for the same reason the personal information was collected (ie for the primary purpose of collection);
- for a secondary purpose but only if the secondary purpose is related to the primary purpose of collection (and for sensitive information, is directly related to the primary purpose of collection) and the individual would reasonably expect the use or disclosure for the secondary purpose;
- if the individual has consented to the use or disclosure;
- the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual (for example, providing personal information to Victoria Police or Ambulance Victoria in an emergency situation);
- as a necessary part of investigating an unlawful activity;
- to report concerns of an unlawful activity to Victoria Police;
- where the use or disclosure is required or authorised by law;
- where the information is needed by Victoria Police to prevent, detect, investigate, prosecute or punish breaches of the law (if the information is used or disclosed for this purpose, ERC must make a note of this); or
- for the preparation of legal proceedings or implementing an order of a Court (if the information is used or disclosed for this purpose, ERC must make a note of this).

The primary purpose of collecting information will always depend on the particular circumstances. Some examples are:

- for employees: to administer the employment contract, to meet legal obligations and for insurance purposes;
- for job applicants and tenderers: evaluating the application or tender; and
- for volunteers: to meet ERC's legal obligations to volunteers and to assist ERC hold functions or activities, such as camps, marketing and fund raising events and/or mission support; and
- for clients: to enable ERC to provide a service which best matches the needs of the client.

Employees and volunteers who have access to any form of information held by ERC must not:

- use, release, disclose or study that information for any reason other than in the performance of their work at ERC and if the information is personal information, other than in accordance with this chapter; and
- take improper advantage of any information gained through ERC.

Marketing and fundraising

ERC treats marketing and seeking donations for its future growth and development as an important part of assisting it to achieve the aims and objectives detailed in its vision and mission statements. Personal information held by ERC may be disclosed, where consent has been obtained either explicitly or implicitly by the individual, in ways that assist in its marketing and funding-raising activities.

Brothers, employees, contractors, volunteers and other members of the wider ERC community may from time to time receive fundraising information. ERC's publications such as newsletters and magazines, which include personal information, may be used for marketing and information purposes.

Management and security of personal information

The Executive Officer is responsible for protecting the security of all personal information held by the ERC office from misuse and loss and from unauthorised access, modification or disclosure. Examples include use of passwords (which are changed regularly and are not divulged to others).

ERC employees and volunteers are required to respect the confidentiality of personal information and the privacy of individuals. ERC has in place steps to protect the personal information ERC holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and passworded access rights to computerised records.

When undertaking ERC activities, volunteers and employees may be provided personal information about clients. Where this occurs, the volunteer or employee is responsible for protecting the security of that personal information from unauthorised access, modification or disclosure. Volunteers and employees should report breaches of privacy immediately to the Executive Officer.

Updating Personal Information

ERC is responsible for taking reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

Given this, ERC may require employees and volunteers to update their personal information from time to time. Employees and volunteers must notify ERC when their personal information changes (for example, a volunteer attending camp must notify ERC of changes to medical information).

Individuals may seek to update their personal information by contacting ERC in writing at any time.

Access and Correction

Individuals have the right to obtain access to any personal information that ERC holds about them unless:

- providing access would pose a serious threat to the life or health of any individual;
- providing access would have an unreasonable impact upon the privacy of another individual;
- the request for access is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings between ERC and the individual and the information would not be accessible during the legal proceedings;
- providing access would reveal negotiations;

- providing access would be unlawful; or
- providing access would prejudice a criminal investigation.

Individuals also have the right to advise ERC of any perceived inaccuracy with the personal information held by ERC about him or her. If the individual establishes that the information is not accurate, ERC must take reasonable steps to correct that information. If ERC and the individual do not agree about whether or not the information is accurate, the individual may ask ERC to attach to the information a statement prepared by the individual setting out the perceived inaccuracies.

In response to a request for personal information, ERC may seek to verify an applicant's identity and specify what information it will provide. A fee may be charged to cover the cost of verifying applications and locating, retrieving, reviewing and copying material requested. If the information sought is extensive, ERC will advise the likely cost in advance and confirm whether the individual wishes to proceed with the request.

Photographs

During an ERC activity, only the Pastoral Facilitator, or person's authorised by the Pastoral Facilitator, may take photographs of ERC clients.

This is because:

- an ERC client may not have consented to having photographs taken of them (before participating on an ERC activity, all ERC clients are required to consider whether ERC may take photographs of them and consent to this); and
- even if an ERC client has consented, the consent relates to use of the photograph for specific purposes. This will not cover photographs being taken for the personal use of volunteers and employees.

11. Dealing with the media

Overview and principles

Sometimes the media may be interested in the activities of ERC. The media may also be interested when something has gone wrong on an ERC activity, such as a bus crash.

The objective of this chapter is to clearly outline to employees and volunteers the parameters for dealing with the media.

Policy statement

- Employees and volunteers must not speak to any media personnel at any time.
- The Board Chair (or the deputy chair if the chair is unavailable) has the only authority to deal with the media ("Media Spokesperson").
- When approached by the media, employees and volunteers must state "no comment".
- No one, including the Media Spokesperson, will release information that identifies responsibility for an accident without first consulting legal counsel. Problems arise when:
 - Assessment of fault or criticism of conduct, ERC policy or equipment is made public without a full explanation of the circumstances of the accident.
 - Information regarding the nature of injuries or illness is released prior to diagnosis by a licensed medical physician.
 - Names of victims are released prior to notification of next of kin.
 - Estimates of property damage are released.

12. Use of social media

Overview and principles

On-line communication and new media tools are important communication channels that provide ERC with the opportunity to engage with its employees and volunteers and the public directly. These tools can be used to inform the community about ERC's activities and programs and to assist in fundraising activities.

The objective of this chapter is to set the parameters for the use of social media.

It is important that employees and volunteers understand that comments, photographs and other material published via social media are the same as making public statements. Therefore, only authorised spokespersons should make official comments about ERC.

Policy Statement

Only those persons who are authorised to do so may use social media to make comments about ERC (for example, advertising ERC activities).

Persons who are authorised to make public comments about ERC must:

- Only do so using their own identity;
- Disclose and comment only on information that may be released in a public domain (and never comment on confidential or personal information);
- Ensure that all content published is accurate and not misleading;
- Comment only on their area of expertise and authority;
- Ensure comments are respectful; and
- Adhere to the terms of use for the particular social media website and all legal requirements (for example, copyright, privacy, defamation, discrimination and harassment).

Persons who are authorised to make public comments about ERC must not:

- Post, or respond to, material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist or sexist or which infringes laws;
- Use or disclose any confidential or personal information; and
- Comment on, or post, any material that may cause damage to ERC's reputation or bring ERC into disrepute.

Employees and volunteers who use social media personally must:

- only disclose and discuss publicly available information;
- users are personally responsible for the content that they publish online and any statements made on behalf of ERC (Vic) Inc must be authorised by management;
- use of logos or other such material may not be used unless with the permission of the EO or Board;
- not imply that they are authorised to speak as a representative of ERC;
- not post photographs of ERC clients without the consent of the Executive Officer; and
- use or disclose any confidential information or personal information obtained through ERC.

13. Policy and Procedures on the Use of Electronic Facilities

Managerial responsibility:

Managers are responsible for ensuring that electronic media are used for Edmund Rice Camps business communications only. These include:

- communication and information exchange directly related to the duties or responsibilities of the employee's of Edmund Rice Camps
- communication for professional development, to obtain continuing education or training, or to discuss issues related to the employee's role and responsibilities
- announcement of Edmund Rice Camps regulations, procedures, policies, rules, services, programs, initiatives or activities.

At the Executive Officer's discretion, employees are permitted to make minimal use of the Edmund Rice Camps electronic media for matters of an incidental or personal nature, providing these are not an unacceptable use.

Employee responsibility:

Employees are responsible for ensuring their accounts and passwords are kept confidential and electronic media usage is in accordance with the provisions of this policy.

Control of electronic media use:

Employees should be aware that the Board of Management of Edmund Rice Camps is charged with the responsibility of monitoring for any potential misuse of the internet and email services as well as protecting Edmund Rice Camps computer network and systems from any unauthorised external access to these facilities.

Attempts to read or access other systems, or other personal logins, or breach of computer or network security measures are not acceptable.

Where instances of inappropriate use of electronic media are detected, action will immediately be taken under Edmund Rice Camps policy on misconduct.

Breaches of security and/or inappropriate use of electronic media should be reported immediately to the appropriate line manager, who should report the matter to the Chairperson of Edmund Rice Camps.

Unacceptable use of electronic media

Unacceptable use of Edmund Rice Camps electronic media resources include:

- use for any personal profit
- use for purposes not directly related to the business of Edmund Rice Camps
- use to copy, retrieve, or forward copyrighted material (such as software, database files, documentation, articles, graphics files, and downloaded information) unless there is permission
- development or use of programs designed to harass other users or infiltrate a computer or computer network or to damage or alter hardware or software
- search for, download, display, transmit or store any material which may be considered fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate.

Email protocols:

Employees should always adopt professional protocols as with other forms of communication as once emails are sent they become an official document of Edmund Rice Camps.

Employees should always communicate in a businesslike manner as the content of computer files including email, (both current and deleted) can be audited at any time by authorised personnel.

Employees should check their email regularly and reply promptly.

If appropriate employees should arrange for another employee to handle their email when they are on leave. Employees should never open another person's email, unless it is part of their duties and/or they have been given permission.

Text should only be extracted from someone else's email message with acknowledgment and with any unrelated material edited out.

Email which is clearly misaddressed should never be opened. Unwanted messages should be deleted.

Any email that documents a decision making process or is crucial to an important ongoing matter should be printed and placed on departmental files or stored in system archives as necessary.

Email subject title fields should be meaningful, short and to the point. Generally, focus on one subject per email message.

Internet protocols

Email attachments which are imported from the internet must be checked for viruses before viewing or forwarding such documents.

Downloading of program files or other executable software files onto individual PCs is prohibited unless authorised by the Executive Officer, Edmund Rice Camps.

Chain mail and advertising material should be immediately deleted and the Executive Officer, Edmund Rice Camps informed of the receipt of such material.

As its security cannot be guaranteed, the internet should not be used to send confidential information.

Email business addresses should not be used for private purposes.

Expired mail messages should be deleted on a regular basis to avoid storage and performance problems.