



# Plunkett Orchards FJ Lenne Pty Ltd Policies

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# FJ Lenne Pty Ltd

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## Anti-Discrimination and Equal Employment Opportunity Policy

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### Purpose

Plunkett Orchards aims to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, vilification and bullying.

Plunkett Orchards aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. Plunkett Orchards also tries to create a work environment which promotes good working relationships.

### Application of Policy

This Policy applies to employees, agents and contractors (including temporary contractors) of Plunkett Orchards, collectively referred to in this Policy as 'workplace participants'.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

This Policy does not form part of any employee's contract of employment. Nor does it form part of any other workplace participant's contract for service.

### EEO laws

Under EEO laws, discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

### Discrimination

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws and include sex, race, age etc. A full list of the grounds of discrimination which operate federally and in the State and/or Territories in which workplace participants undertake their work for Plunkett Orchards will be relevant and are listed below.

- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- Sex
- Pregnancy (including potential pregnancy)
- Carers' responsibilities, family responsibilities, carer or parental status, being childless
- Breastfeeding
- Age (including compulsory retirement)
- Physical features (VIC only)
- Religious belief, affiliation, conviction or activity
- Marital status, domestic status, relationship status
- Homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity, gender identity
- Disability/impairment, including physical, mental and intellectual disability

- Industrial/trade union membership, non-membership or activity
- Employer association membership, non-membership or activity
- Employment activity (VIC only)
- HIV/AIDS
- Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)
- Association with a child (in customer service) (SA only)
- Profession, trade, occupation or calling (ACT only)
- Political belief, opinion, affiliation, conviction or activity
- Irrelevant criminal record (NT and TAS only)
- Irrelevant medical record (NT and TAS only)
- Defence service
- Religious appearance or dress (in work or study) (SA only)
- Gender history (WA only)
- Spent convictions (ACT only)

### Indirect discrimination

Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally but it in fact operates to disadvantage a particular condition which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (i.e. a prohibited ground of discrimination).

Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.

### Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

### Sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- physical contact such as pinching, touching, grabbing, kissing or hugging
- staring or leering at a person or at parts of their body
- sexual jokes or comments
- requests for sexual favours
- persistent requests to go out, where they are refused
- sexually explicit conversations

- displays of offensive material such as posters, screen savers, internet material etc.
- accessing or downloading sexually explicit material from the internet
- suggestive comments about a person's body or appearance
- sending rude or offensive emails, attachments or text messages.

### Bullying

Bullying is repeated, unreasonable and inappropriate behaviour directed towards an individual or group, which creates a risk to health and safety.

Please refer to the Plunkett Orchards *Workplace Bullying Policy* for more information in relation to workplace bullying.

### Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

### Rights and responsibilities

All workplace participants must:

- understand and comply with this Policy;
- ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work;
- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- follow the complaint procedure in this Policy if they experience any unlawful conduct;
- report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
- maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct.

Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

### Gender equality in the workplace

'Plunkett Orchards' aims to fulfil its obligations under the Gender Equality Act 2012 (Cth) ('the Act'), by developing and implementing a workplace program which will attempt to eliminate discrimination and contributing to gender equality in employment and in the workplace.

The aim of Plunkett Orchards' actions are to:

- promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace; and

- support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters; and
- promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities); and
- foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace; and
- improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.

These Actions are about attempting to achieve the potential of all workplace participants. It has direct benefits throughout the organisation. These benefits include increased productivity, increased morale, reduced absenteeism, and higher retention rates of employees. For these reasons, Actions in this area have been incorporated into Plunkett Orchards' strategic plan.

### Breach of this policy

All workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with Plunkett Orchards terminated or not renewed.

If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

### Complaint handling procedure

If a workplace participant feels that they have been subjected to any form of unlawful conduct contrary to EEO laws or this Policy, they should not ignore it. Plunkett Orchards has a complaint procedure for dealing with these issues. The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of Plunkett Orchards' Complaint Officer.

### Examples of the ways in which a complaint can be dealt with

#### Confront the issue

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the workplace participant should report the issue to a Plunkett Orchards Complaints Officer.

If a workplace participant is unsure about how to handle a situation and is also unsure if they want to make a complaint they should contact an EEO Contact Officer for support and guidance. The EEO Contact Officers aim to assist people uncertain about their rights. EEO Contact Officers are listed at the end of this EEO Policy.

#### Report the issue

A workplace participant should report the issue to a Complaints Officer. The Complaints Officer(s) in the workplace participant's workplace is/are the Human Resources Manager.

The Complaints Officer will aim to deal with the workplace participant's complaint in accordance with this Policy. There are two complaint procedures that can be used: informal and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

#### Informal complaint procedure

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- the Complaints Officer discussing the issue with the person against whom the complaint is made; and/or
- the Complaints Officer facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

#### Formal complaint procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by a Complaints Officer or a person from outside Plunkett Orchards, appointed by Plunkett Orchards.

An investigation generally involves, collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the Complaints Officer or the external investigator will make recommendations about resolving the complaint.

If Plunkett Orchards considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be required not to report for work during the period of an investigation. Plunkett Orchards may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

#### Confidentiality

The Complaints Officer will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If

a complaint is raised and it appears that unlawful conduct has potentially occurred, Plunkett Orchards will endeavour to take appropriate action in relation to the complaint.

All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose workplace participants to a defamation claim. Workplace participants may discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by Plunkett Orchards). However, the support person or representative must also maintain confidentiality.

### Possible outcomes

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and Plunkett Orchards.

Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy may have their contracts with Plunkett Orchards terminated or not renewed.

Plunkett Orchards may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the complaint;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.

### Questions

If a workplace participant is unsure about any matter covered by this Policy, a workplace participant should seek the assistance of Human Resources Manager.

## Apparel and Jewellery Policy

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### Scope

This document states Plunkett Orchards policy in relation to staff apparel & jewellery in the workplace. This policy applies to employees, agents and contractors (including temporary contractors) of Plunkett Orchards, collectively referred to in this policy as 'workplace participants'.

### Health and safety

Plunkett Orchards is required to remove any reasonably foreseeable risk to workplace health and safety or food quality. If Plunkett Orchards considers that particular clothing or jewellery constitutes



a foreseeable hazard having the potential to harm health or safety, Plunkett Orchards may take whatever action is considered necessary to address the situation. Action may include directing the workplace participant to remove the particular clothing or jewellery while in the workplace. If it is not practicable to remove the particular item, Plunkett Orchards may direct the workplace participant to leave the workplace. A workplace participant is expected to comply with any such direction. Any deliberate breaches of this policy may result in disciplinary action being taken against the employee.

### Requirements (all Workplace Participants)

If a workplace participant is uncertain about any of the following requirements, the workplace participant should check with his/her supervisor.

For quality and safety reasons all workplace participants must wear:

- Clean, sanitary clothing changed daily. All items of clothing to be free of pearls, sparkles and any small adornments that may be attached.
- High visibility clothing, - to be easily seen by machine operators.
- Close fitting clothes; no scarves or ripped clothes - loose clothing can become entangled in machinery.
- Enclosed comfortable footwear.
- False nails, long nails, nail polish, false eyelashes and eyelash extensions are not permitted.
- All jewellery (including watches, dangling earrings, dangling religious jewellery, body jewellery & rings with stones) should be removed before fresh produce is handled.
- Plain wedding bands without stones are permitted.
- Hair beyond collar length must be tied back.

### Packing Shed Specific:

- It is required that a hairnet, beard net (if required), disposable gloves must be worn where food is being packed and inspected. New gloves are to be worn upon entering the packing area on every occasion, between breaks and when using the toilet facilities. Any used PPE is to be disposed of in rubbish bins provided. Hair nets must be worn correctly and cover all hair (including the sides and back). Caps can only be used if worn over a hair net.

### Orchard Specific:

- You must wear appropriate protective clothing that will block out the potential damaging effects of ultraviolet radiation. The most effective protective clothing is long sleeves and broad brimmed hats for your face, head, neck and ears. Always wear SPF 50+ sunscreen on skin that is exposed to the sun.
- Singlet tops are prohibited

## Code of Conduct Policy

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### Scope

The Code applies to all employees, agents and contractors (including temporary contractors) of Plunkett Orchards, collectively referred to as 'workplace participants'.

### Purpose

Plunkett Orchards recognises the importance of a work environment which actively promotes best practice. The purpose of this Code is to describe the standards of behaviour and conduct expected from workplace participants in their dealings with customers, suppliers, clients, co-workers, management and the general public.

Plunkett Orchards expects all workplace participants to observe the standards set out in this Code. Compliance with this Code is expected and non-compliance may result in disciplinary action including the termination of employment or contract for services.

### The code requirements

All workplace participants are expected to observe the highest standards of ethics, integrity and behaviour during the course of their employment or engagement with Plunkett Orchards. This Code provides an overview of Plunkett Orchards' fundamental business values. It is by no means exhaustive, but summarises some of Plunkett Orchards' most important policies, which are based on standards that underlie business ethics and professional integrity, standards that apply to all workplace participants.

As representatives of Plunkett Orchards, all workplace participants are expected to conduct themselves in a professional and courteous manner and observe the following standards of behaviour both inside the workplace and outside the workplace where the workplace participant can be perceived as representing Plunkett Orchards:

- Comply with all laws, policies, procedures, rules, regulations and contracts.
- Comply with all lawful and reasonable directions from Plunkett Orchards.
- Be honest and fair in dealings with customers, clients, suppliers, co-workers, management and the general public.
- Display the appropriate image of professionalism at the workplace. Wear the required uniform, safety equipment or work clothes, and if a workplace participant wears their own clothes, ensure their appearance is neat and tidy.
- Treat customers, clients, suppliers, co-workers, company management and the general public in a non-discriminatory manner with proper regard for their rights and dignity. In this regard, discrimination, victimisation or harassment based on a person's race, colour, religion, national origin, age, sex, sexual orientation, marital status, family responsibilities, pregnancy or potential pregnancy, union membership or non-membership, mental or physical disability, or any other classification protected by law will not be tolerated.
- Promptly report any violations of law, ethical principles, policies and this Code.
- Maintain punctuality. If a workplace participant is late or cannot report for work, please telephone and let the supervisor know as soon as possible.



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- Do not use work time for private gain. If a workplace participant is required to leave the work premises for personal reasons they should advise their Manager well in advance.
- Plunkett Orchards has a legitimate interest in the private activities of workplace participants where such activities may bring disrepute upon Plunkett Orchards in its relationships with customers, clients, suppliers, and the general public at large and may possibly call the workplace participant's fitness for continued employment or to provide services into question.
- Maintain and develop the knowledge and skills necessary to carry out duties and responsibilities.
- Observe health and safety policies and obligations, and co-operate with all procedures and initiatives taken by Plunkett Orchards in the interests of work health and safety.
- Be truthful in all dealings with persons encountered at the workplace. Workplace participants must not make false or misleading declarations during the performance of their duties or when providing services on behalf of Plunkett Orchards. A declaration can be considered to be misleading if information is omitted or presented in a manner that enables a misleading view of the situation to be formed. This including failure to comply with reporting requirements and falsifying records and other documents.
- Refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or biased performance.
- Not act for an improper or ulterior purpose to the detriment (whether perceived or actual) of Plunkett Orchards.
- Workplace participants must not abuse the advantages of their position for private purposes, or solicit or accept any gift or benefit in connection with their employment or engagement which might compromise, or be seen to compromise their integrity or Plunkett Orchards' reputation.
- Respect Plunkett Orchards' ownership of all of its property including but not limited to funds, equipment, supplies, books, records and confidential information (however described).
- Maintain during employment with Plunkett Orchards and after the termination of employment, the confidentiality of any confidential information, records or other materials acquired during the employment with Plunkett Orchards.
- While employed at Plunkett Orchards, not accept any employment with another organisation that is a supplier or competitor of Plunkett Orchards, or any other employment that is in conflict with your position at Plunkett Orchards.
- Not make any unauthorised statements to the media about Plunkett Orchards' business (requests for media statements should be referred to the line manager).
- Do not fight in the workplace.
- Do not use inappropriate language in the workplace.

- Never report for work in circumstances where there is a risk that you could be affected by or 'under the influence' of illicit drugs or alcohol (e.g. if you have ingested or otherwise taken drugs or alcohol the night before or in the period leading up to your next work period). If a workplace participant is taking prescription medication, they must inform their manager at the commencement of their working day. Workplace participants may be required to produce medical evidence to prove their medication does not affect their capacity to perform their duties in a safe manner without harm to themselves or others.
- Do not smoke during working hours unless it is during prescribed breaks and within designated areas.

### Issues for managers and supervisors

Managers and supervisors should:

- Promote a team spirit.
- Maintain confidentiality so far as is reasonably practicable when conducting investigations into grievances and disputes.
- Avoid bias in decision making.
- Ensure compliance with procedures when carrying out counselling and discipline.
- Exercise objectivity when administering rewards or discipline.
- Not condone, permit, or fail to report any breaches of the Code as outlined above by workplace participants under their supervision.

### Breaches of this code

A breach of this Code may lead to disciplinary action including, but not limited to, termination of employment or services.

## COVID-19 Policy

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### Overview

Coronavirus disease (COVID-19) is an infectious disease which causes a range of symptoms ranging from mild illness to pneumonia. Some people will recover easily, and others may get very sick very quickly.

Most people infected with COVID-19 will have a mild to moderate illness and will recover without special medical treatment. Some people, such as those with underlying medical problems or disease and older people, are more likely to suffer from more serious symptoms of the diseases.

### How is COVID-19 Spread?

The most likely way someone will catch the virus is by breathing in micro-droplets a person close to them has released by sneezing, coughing or just breathing out.

### Our Guiding Principles as we Continue to Move Forward

- Keep Plunkett Orchards employees safe

- Continue to serve our customers with the highest standards
- Do our part to slow community spread of the virus to protect the most vulnerable

### What to do if You're Unwell

**Do not come to work if you have any of the following:**

- Chills
- Fever
- Cough
- Sore Throat
- Runny Nose
- Nausea
- Diarrhoea
- Other flu-like symptoms

**Get Tested.** Use a Rapid Antigen Test (RAT) or get a PCR test. RAT Tests are available from chemists, supermarkets or your supervisor.

If you are **positive**, stay at home for 7 days. You must be symptom-free before returning to work.

If you are **negative**, stay at home until you are symptom-free.

### What to do if a Household Contact is COVID Positive

Isolate from infected person within your house.

RAT test each morning BEFORE coming to work for 7 days.

Face masks must be worn at work for 7 days.

### Always Be COVID Safe

#### Hygiene

- Hand hygiene. Wash and sanitise hands regularly.
- Coughing and Sneezing. Cover your mouth and nose with your bent elbow when you cough or sneeze.
- Avoid touching eyes, nose & mouth

#### Physical Distancing

Maintain 1.5 metres distance between yourself and other people whenever possible.

#### Face Coverings

Must be worn if you have any cold or flu-like symptoms

#### Communication

We encourage you to have good communication with your supervisor if you have any questions or concerns regarding COVID-19.

## **Employer Property Policy**

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### **Purpose**

The purpose of this Employer Property Policy is to outline the conditions under which property owned by Plunkett Orchards is provided to employees. The Policy outlines the responsibilities of employees in possession of Plunkett Orchards' property and the expectations of Plunkett Orchards with respect to the use of its property by employees.

### **Application of the Policy**

This Policy applies to all workplace participants including employees and contractors who use Plunkett Orchards property. It does not form part of any employee's contract of employment or a contractor's contract for services.

### **Definitions**

'Employer property' includes all forms of property of Plunkett Orchards including tangible property (such as tools and equipment), and intangible property (such as intellectual property).

### **Obligations of employees**

To the extent that the obligation is relevant to the type of Plunkett Orchards property being used, each employee must:

- use Plunkett Orchards' property only for the purpose for which it was designed;
- take good care of Plunkett Orchards' property and ensure it is properly maintained and serviced as directed;
- ensure that Plunkett Orchards' property is used in accordance with any relevant operating instructions or procedures;
- refrain from modifying Plunkett Orchards' property without prior written approval from Plunkett Orchards;
- obtain prior written permission from Plunkett Orchards if the employee wishes to use Plunkett Orchards' property for non-work purposes (e.g. personal use);
- not remove employer property from Plunkett Orchards' premises or designated storage places without the prior permission of the relevant manager or supervisor;
- not deliberately damage Plunkett Orchards' property;
- not place Plunkett Orchards' property in circumstances where it could be stolen or damaged.

### **Breach of the Policy**

Any breach of the obligations expressed in this Policy may result in disciplinary action up to and including termination of employment, or termination of a contract for services.

### **Return of property**

On termination of employment (including by resignation), or as otherwise directed at any time, an employee must return all of Plunkett Orchards' property immediately.

## Damage to property

If any damage occurs to any property owned by Plunkett Orchards as a result of:

- an employee's serious and willful misconduct;
- criminal activity;
- a breach of the obligations outlined in this Policy;
- the employee using the property for a non-work related purpose without the consent of Plunkett Orchards; or
- circumstances not arising in the course of, or in connection with, the employees employment;

Plunkett Orchards may require the employee to reimburse Plunkett Orchards to the value of any loss or damage suffered by Plunkett Orchards or a third party which has been caused by the employee.

## Incidence and Injury Reporting Policy

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### Policy

The Incident & Injury Reporting Policy relates to Plunkett Orchards' commitment to as far as reasonably practicable provide, maintain, monitor, review and improve its approach to OH&S Management by using a consultative approach. The policy aims:

- To ensure compliance with all relevant legislation.
- To provide, maintain and improve safe work systems through consultation in order to protect the safety and wellbeing of all persons.

This policy and its procedure will positively and proactively demonstrate that the OH&S culture is designed to achieve and sustain healthy and safe outcomes.

### Scope

The Policy relates to all full-time, part-time and casual employees of Plunkett Orchards ('Plunkett Orchards Employees'), as well as contractors, temporaries and subcontractors working for or on behalf of either a company or any associated companies in the Plunkett Orchards workplace ('Plunkett Orchards Contractors').

The Policy also applies to Plunkett Orchards Employees and Plunkett Orchards Contractors' participation in social media inside or outside of any Plunkett Orchards workplace and includes use of a Contractor's or an Employee's own device.

The Policy does not form part of any contract of employment with Plunkett Orchards. Nor does it form part of any contract for service with Plunkett Orchards.

### Procedure

#### Responsibilities for Reporting Incidents

All employees, contractors and visitors are required to notify their supervisor/ manager or company representative immediately when an incident occurs.

Supervisors/ managers must ensure that incidents are reported.



### Incident Reporting Requirements

All incidents should be reported to the involved persons Manager / Supervisor within 24 hours of the occurrence.

Incidents that must be reported are:

- Near misses (potential to harm or cause injury)
- Injuries and illnesses related to the workplace
- Incidents that have environmental impact (chemical spills) and
- Work related commuting incidents.

All first aid treatments must be recorded on an Incident report Form.

If an injured person is unwilling or unable to complete an Incident Report Form, the supervisors/managers must report the incident on their behalf using all information available to them.

### INCIDENT REPORTING PROCESS

#### Reporting the Incident

Incidents/ injuries are to be reported to the relevant area Manager / Supervisor within 24 hours of the occurrence.

Incident details must be record in the following ways:

- Incident Report Form (information to be entered into the online OHS Management System Incident Register).
- Entered directly into the OHS Management System (Incident Register).
- The report should include an accurate as possible description of the event.

Once the report is submitted, automatic email notification of the incident will be sent to Senior Management and the OHS Manager.

#### Accident Investigation

Incident investigations will be undertaken and coordinated by the OHS Manager.

The investigation process will be achieved by a consultation with stakeholders including but not limited to managers, supervisors the involved person and other employees as required. Other technical expertise may be utilised as necessary.

The investigative process will identify associated hazards and cause of the incident. Suitable controls must be determined and dates of expected completion noted

All controls to be implemented will be monitored and reviewed to determine their effectiveness.

#### Supervisors Report

On completion of the accident investigation, the Manager / Supervisor is required to complete the Supervisor Report in the OHS Management System.

It is the responsibility of the person completing the report to follow up and ensure the implementation of agreed controls.



## Leave Policy

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### Application of this policy

This policy sets out information on various types of leave that arise during employment.

Plunkett Orchards will endeavour to, where possible, approve leave requests by employees in order to best accommodate personal, family, work and community commitments, without compromising the achievement of the Employer's business objectives.

Leave entitlements are outlined under the National Employment Standards in the Fair Work Act 2009 (Cth) ("the Fair Work Act"), in addition, employees may have entitlement to leave under a modern award, enterprise agreement or State legislation (such as long service leave legislation).

This policy sets out employees' entitlements to leave and the manner in which leave must be requested by employees. To the extent of any inconsistency between this policy and the legislation referred to above, the provisions of the legislation shall prevail.

In so far as this policy imposes any obligations on the Employer (i.e. those in addition to those set out in legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees (i.e. those in addition to those set out in legislation), they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

The Employer may unilaterally introduce, vary, remove or replace this policy at any time.

### Annual Leave

#### Eligibility & Entitlement

Permanent full-time employees are entitled to 4 weeks' paid annual leave per year (pro rata for permanent part-time employees), which accrues progressively throughout the year according to an employee's ordinary hours of work and is cumulative from year to year.

Casual employees are not entitled to paid annual leave.

#### Procedures for Requesting Annual Leave

All requests for annual leave must be approved in advance by the Employer. The employee's relevant immediate manager will consider the employee's request in conjunction with the business and operational needs of the workplace. Employees should request annual leave in writing, providing, where possible, two weeks' notice of their leave. An employee must have an accrued leave balance of at least the amount of leave the employee proposes to take.

Simply making a request for annual leave does not automatically entitle an employee to take such leave. The Employer may refuse to authorise a period of annual leave on the grounds of the operational requirements of the business or in the event that the employee has provided insufficient notice of their desire to take leave. The Employer will not unreasonably refuse to approve a period of annual leave or deny an employee a period of annual leave which has already been authorised.

#### Employer requiring employees to take annual leave

The Employer may direct an employee to take annual leave in certain circumstances, which will be determined by the applicable industrial instrument (if any) covering the employee.

#### Termination of Employment

An employee is entitled to receive payment for the balance of their accrued but untaken annual leave when they cease employment.

#### Personal/Carer's Leave

##### Eligibility & Entitlement

Personal/carer's leave refers to both sick and carer's leave. The entitlement to receive personal/carer's leave arises as follows:

- where an employee is unfit to work because of personal illness or injury; or
- an employee is required to provide care or support to a member of their immediate family or household due personal illness, injury or an unexpected emergency.

For the purposes of this Policy, 'immediate family' means a spouse, former spouse, de-facto partner, former de-facto partner, child, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of the spouse or former spouse, de-facto partner or former de-facto partner of the employee. Immediate family also includes step-relations (for example a step-parent or step-child) and adoptive relations.

Full-time employees are entitled to 10 days paid personal/carer's leave per year (at the base rate of pay, as defined under the Fair Work Act). Part-time employees are entitled to a pro rata amount of 10 days paid personal/carer's leave per year, based on their ordinary hours of work. An employee's entitlement to personal/carer's leave accrues progressively throughout the year and is cumulative from year to year.

Casual employees are not eligible for paid personal/carer's leave.

##### Procedural Requirements for Personal/Carer's Leave

The following procedures apply:

- An employee must, where practicable, advise their manager by phone call (not text message) of their inability to attend for work prior to the commencement of their shift and as far as possible the nature of the illness or situation and the estimated period of absence; and
- The Employer may require an employee to produce a medical certificate or other satisfactory evidence to prove their inability to attend for duty on the days in respect of which personal/carer's leave is claimed. Failure to produce a medical certificate or other satisfactory evidence will result in the employee's leave not being approved or paid.
- On return to work after a period of personal/carer's leave an employee will be required to complete the appropriate leave form on the day of their return.

#### Unpaid Carer's Leave

In addition to the paid entitlements outlined above, casual employees and permanent employees (who have utilised all of their paid personal/carer's leave) can access unpaid carer's leave

entitlements for the purposes of providing care or support to a member of his/her immediate family or household due personal illness, injury or an unexpected emergency.

Employees are entitled to a period of up to 2 days unpaid carer's leave for each permissible occasion.

#### Procedural Requirements for Taking Unpaid Carer's Leave

The procedural requirements for accessing these benefits are as per personal/carer's leave (see above).

#### Unpaid Family & Domestic Violence

All employees (including casual employees) are entitled to 10 days unpaid family and domestic violence leave per year to deal with family and domestic violence. It may be taken in a continuous 10-day period or separate periods of one or more days.

This type of leave is available in full on commencement of employment with the Employer, but does not accumulate from year to year.

The employee may take unpaid family and domestic violence leave if:

- The employee is experiencing family and domestic violence; and
- the employee needs to do something to deal with the impact of the family and domestic violence; and
- it is impractical for the employee to do that thing outside the employee's ordinary hours of work.

Family and domestic violence means violent, threatening or other abusive behaviour by a close relative of the employee that seeks to coerce or control the employee and causes them harm or fear.

A "close relative" for the purposes of this entitlement is a member of the employee's "immediate family" (as defined above) and those related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

The Employer will treat requests for unpaid family and domestic violence leave with confidentiality, as far as it is practicable to do so.

#### Procedural Requirements for Taking Unpaid Family & Domestic Violence Leave

To be eligible for these benefits an employee must comply with the following conditions:

- An employee shall, where practicable, advise their manager by phone call (not text message) of their inability to attend for work prior to the commencement of their shift and as far as possible state the reason for the absence and the estimated period of absence; and
- An employee may be required to produce evidence to prove their inability to attend for duty on the days to support the purpose of the unpaid family and domestic violence leave that is claimed. Such evidence may include a document issued by the police, a court or a family violence support service or statutory declaration.

## Compassionate Leave

### Eligibility & Entitlement

The purpose of taking compassionate leave is for an employee to either spend time with an immediate family member who has sustained a life-threatening illness or injury, or to take the compassionate leave as a result of the death of an immediate family or household member. Compassionate leave is also available in the event of a still-birth or miscarriage, in certain circumstances.

#### 1. Paid Compassionate Leave.

Permanent employees are eligible to access 2 days paid compassionate leave per occasion if a member of their immediate family or household:

- contracts a personal illness that poses a serious threat to their life; or
- sustains a personal injury that poses a serious threat to their life; or
- dies.

Employees are also able to take compassionate leave if they or their current spouse/de facto partner has a miscarriage. In addition, employees can take compassionate leave if they experience a stillbirth. They can also take compassionate leave if there is a stillbirth within their family and the child would have been an immediate family or household member of the employee had the child been born alive.

“Immediate family” has the same meaning as for personal/carer’s leave, as explained above. Permanent employees are entitled to payment at their base rate of pay for the employee’s ordinary hours of work (as defined under the Fair Work Act) when taking compassionate leave. Casual employees are not eligible to access paid compassionate leave.

#### 2. Unpaid Compassionate Leave.

Casual employees are eligible to access 2 days compassionate leave per applicable occasion; however, this is unpaid.

### Procedural requirements for taking compassionate leave

To be eligible for these benefits an employee must comply with the following conditions:

- An employee shall, where practicable, advise their manager by phone call (not text message) of their inability to attend for work prior to the commencement of their shift and as far as possible state the reason for the absence and the estimated period of absence; and
- An employee shall produce appropriate written documentation as evidence to prove their inability to attend for duty on the days in respect of which compassionate leave is claimed. On return to work after a period of compassionate leave the employee will be required to complete the appropriate leave form.

## Parental Leave

Employees may be able to access a period of unpaid parental leave when their child is born or when they adopt a child. There are also various other forms of leave that support pregnant employees and

new parents.

### Eligibility & Entitlement

Employees with at least 12 months service with the Employer can access unpaid parental leave for a period of up to 12 months. Employees can also request an extension of an additional 12 months leave (however such additional leave is subject to approval from the Employer and can be refused on reasonable grounds).

Parental leave can be shared between two parents, however the entitlement to parental leave cannot be more than 24 months in total (whether this is taken as a single continuous period by one parent or by both parents as two consecutive periods of leave).

Casual employees are only eligible for parental leave if they have worked for the Employer on a regular and systematic basis for at least 12 months, and have a reasonable expectation of continuing employment on a regular and systematic basis.

Either parent can access unpaid parental leave once the child is born, provided they have primary responsibility for the care of the child at that time. However, a maximum of eight weeks of parental leave may be taken by both parents at the same time (in periods of no less than two weeks on each occasion), in which case both parents just need to have some responsibility for caring for the child (this is called 'concurrent parental leave').

### When can parental leave begin?

Where the pregnant employee is the only parent taking parental leave, parental leave may start up to six weeks before the birth of the child and must not start later than the date of birth of the child. If the employee who isn't pregnant is the only parent taking the parental leave, the leave must start on the date of birth of the child, unless:

- The employee has responsibility for the care of the child; and
- Their partner is pregnant and is unemployed.

In such a scenario the leave has to be taken within 12 months after the birth of the child.

Where both parents are taking parental leave, and the pregnant employee is taking the first period of leave, it may start up to six weeks before the birth of the child and must not start later than the date of birth of the child.

Where a non-pregnant parent is taking the first period of leave it must start on the date of birth of the child.

Concurrent parental leave can start:

- on the birth of the child
- earlier than this date, if the employer agrees, or
- later than this date, but it has to be within 12 months of the birth of the child.

Unpaid parental leave usually has to be taken in a single continuous period. This means the other parent may need to start their unpaid parental leave the next working day after the first parent's leave ends. There are some exceptions to this, including for flexible unpaid parental leave.

There are also special rules regarding when parental leave commences in situations of premature birth, where there are birth-related complications, or where the child dies within the first two years of their life, see further below.

Parental leave can be taken as continuous parental leave or flexible parental leave (or both).

#### [What is flexible parental leave?](#)

An employee can take up to 30 days of their 12 month unpaid parental leave as “flexible parental leave”, at any time up to their child’s second birthday.

Flexible unpaid parental leave can be taken as:

- a single continuous period of one day or longer; or
- separate periods of one day or longer each.

Flexible parental leave can be taken within the first 24 months of the birth of the child. However, the employee’s entitlement to continuous unpaid parental leave will end on the first day that the employee takes flexible unpaid parental leave. This means that if an employee is planning on taking a continuous period of unpaid parental leave, they should do so before they take any flexible unpaid parental leave.

An employee can take flexible unpaid parental leave after taking one or more periods of continuous unpaid parental leave. The total of both periods can’t be longer than 12 months.

An employee can take flexible unpaid parental leave on the same day as the other parent is on unpaid parental leave.

#### [Procedural requirements for taking continuous parental leave](#)

At least 10 weeks prior to the intended start date of the leave, the employee must provide their manager with written notification of their intention to take unpaid parental leave, along with a medical certificate stating that the employee or their partner is pregnant and confirming the expected date of birth of the child. This written notification must also specify the intended start and end dates of the leave. If the employee is unable to provide 10 weeks’ notice, they must provide as much notice as possible.

At least four weeks before the intended start date of the leave, the employee must also confirm the intended start and end dates of the leave with their manager and advise of any changes to these dates. If the employee is unable to provide four weeks’ notice, they must provide as much notice as possible.

When taking concurrent parental leave, employees must provide at least 10 weeks’ notice to their manager for their first period of concurrent leave. For second and later periods, they need to provide at least 4 weeks’ notice. If an employee can’t provide these notice periods, they need to provide as much notice as possible.

#### [Procedural requirements for taking flexible parental leave](#)

An employee who wants to take flexible parental leave needs to give written notice to their manager either:

- at the same time they give notice of their continuous parental leave (usually 10 weeks before the start of the continuous parental leave), or

- at least 10 weeks before the start of their flexible parental leave.

Notice can also be provided later if the Employer agrees.

When they give notice, an employee needs to tell their manager the total number of days of flexible parental leave they intend to take. An employee can take up to 30 days of flexible parental leave.

An employee must confirm their flexible parental leave dates with their manager at least four weeks before they start their leave. If there have been any changes to the dates, the employee should tell their manager as soon as possible. If an employee can't give four weeks' notice, they need to give as much notice as possible.

#### Requesting an extension of parental leave

If an employee is seeking an extension to their unpaid parental leave beyond the initial 12 months, they must provide their request to their manager in writing at least four weeks before the expected end date of the parental leave. A written response will be provided to the request no later than 21 days after the date on which the request is received. The request will only be refused on reasonable business grounds.

Factors relevant in determining reasonable business grounds include:

- the effect on the workplace and the business of approving the request, including the financial impact and the impact on efficiency, productivity and customer service;
- the capacity to organise work among existing staff;
- the capacity to recruit a replacement employee or the practicality of the arrangements that may need to be put in place to accommodate the request.

#### Adoption Leave

Parents who are adopting a child under the age of 16 may also access the unpaid parental leave entitlements detailed above. The eligibility criteria are the same as for other types of unpaid parental leave (i.e. 12 months' continuous service).

At least 10 weeks prior to the date on which the employee intends to take adoption leave, the employee must provide their manager with written notification of their intention to take adoption leave, along with documentary evidence stating the expected date of placement of the child. This written notification must specify the intended start and end dates of the leave. At least four weeks before the intended start date specified in this written notification, the employee must also confirm the intended start and end dates of the leave with their manager and advise of any changes to these dates.

Adoption leave must commence on the date of placement of the child (although "pre-adoption" leave is also available, see further below).

When taking concurrent adoption leave, employees must provide at least 10 weeks' notice to their employer for their first period of concurrent leave. For second and later periods, they need to provide at least 4 weeks' notice. If an employee can't provide these notice periods, they need to provide as much notice as possible.

Flexible parental leave is also available for adoption leave, and an employee can take up to 30 days of their 12 month unpaid parental leave entitlement as flexible parental leave, at any time up to the



second anniversary of their adopted child's placement. The same rules regarding applying for flexible parental leave as explained above apply to adoptive parents.

#### Requesting an extension of adoption leave

If an employee is seeking an extension to adoption leave beyond the initial 12 months, they must provide their request to their manager in writing at least four weeks before the expected end date of the parental leave. A written response will be provided to the request no later than 21 days after the date on which the request is received. As above, the request can only be refused on reasonable business grounds.

#### Unpaid pre-adoption leave

Employees are also entitled to up to two days of unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the employee's adoption of a child.

An employee is not entitled to take this unpaid pre-adoption leave if:

- the employee could instead take some other form of leave; and
- the Employer directs the employee to take that other form of leave (e.g. annual leave).

An employee must provide their manager with written notification of their intention to take the unpaid pre-adoption leave. This written notification must be given to their manager as soon as possible and must advise of the period of the leave to be taken.

#### Parental Leave for Stillbirth, Premature Birth or Infant Death

An employee who experiences a stillbirth or the death of a child during the first 24 months of life can take up to 12 months' unpaid parental leave.

After a stillbirth or death of a child, employees can't:

- be called back to work
- have any unpaid parental leave cancelled by their employer.

Employees can choose to return to work after experiencing a stillbirth or death of a child. If they decide to return to work after starting unpaid parental leave, they need to give their employer at least 4 weeks' written notice before returning. If they haven't started leave, they just need to give written notice about their return to work. Employers and employees can agree to the employee returning to work on an earlier date.

#### Taking compassionate leave

After experiencing a stillbirth or death of a child, an employee parent may be entitled to take compassionate leave while on unpaid parental leave. Another employee may also be entitled to take compassionate leave if the infant was, or would have been, an immediate family or household member of the employee.

#### Premature birth and birth-related complications

Employees who experience premature births or other birth-related complications that result in their newborn having to stay in hospital or being hospitalised immediately after birth can agree with their employers to put their unpaid parental leave on hold.

This means that while their newborn is hospitalised, parents can return to work and the period when they are back at work will not be deducted from their unpaid parental leave. The employee can then resume their unpaid parental leave at the earliest of:



- a time agreed with their employer
- the end of the day when the newborn is discharged from the hospital, or
- if the newborn dies, the end of the day when the newborn dies.

### Special Maternity Leave (SML)

An employee who is eligible for unpaid parental leave is entitled to a period of unpaid SML where she has a pregnancy related illness or where her pregnancy ends within 12 weeks of the expected birth, other than by giving birth to a living child.

An employee must provide their manager notice of their intention to take SML as soon as practicable. The Employer may require documentary evidence such as a medical certificate.

### Transfer to a Safe Job

All pregnant employees, including casuals, are entitled to move to a safe job if it isn't safe for them to do their usual job because of their pregnancy. This includes employees that aren't eligible for unpaid parental leave.

An employee who moves to a safe job will still get the same pay rate, hours of work and other entitlements that she got in her usual job, although the employee and the Employer can agree on different working hours.

The employee will remain under these arrangements until it's safe to go back to her normal job, or until she gives birth.

The employee will need to give her manager evidence that:

- she can work in some capacity but can't do her normal safely job (including the reason why her normal job isn't safe) and
- how long she shouldn't work in her normal job.

The Employer can ask for this to be evidenced in a medical certificate.

### When no safe job is available – “No Safe Job Leave”

If there is no safe job available for an employee, they can take “No Safe Job Leave”. If the employee is entitled to unpaid parental leave, no safe job leave is paid leave.

For a full-time or part-time employee, no safe job leave is paid at the base rate of pay for ordinary hours of work.

For a casual employee, No Safe Job Leave is paid at the base rate of pay (not including the casual loading) for the average number of hours they would have worked in the period they're on leave.

For employees who aren't entitled to unpaid parental leave, No Safe Job Leave is unpaid.

### Interaction with other leave

Employees may be entitled to other forms of leave, such as personal/carer's leave, when they are unfit or unavailable for duties prior to formally commencing parental leave.

### Keeping in Touch Days

Keeping in touch days are days an employee who is still on unpaid parental leave can go back to work for a single day, part day or multiple days (up to 10 days per 12 months of parental leave).

The Employer and the employee must agree to the timing of keeping in touch days.

A keeping in touch day can only be worked earlier than 42 days after the birth of a child or adoption, if the employee requests this. A keeping in touch day can't be worked earlier than 14 days after the birth or adoption.

An employee doesn't have to use keeping in touch days if they don't wish to. An employee gets their normal wage for each keeping in touch day or part day worked.

### Taking Other Leave During Parental Leave

An employee may take paid annual leave within the parental leave period (although this will not extend the period of parental leave). While taking unpaid parental leave an employee cannot take paid personal/carer's leave. However, an employee who experiences a stillbirth or an infant death may take compassionate leave (although this will not extend the period of parental leave). An employee may be able to take long service leave within the parental leave subject to applicable State or Territory legislation.

Continuity of service is not affected by taking parental leave. However, parental leave does not generally count towards length of service (except in some States and Territories for the purposes of long service leave).

### Government Funded Paid Parental Leave

Some employees may be eligible to receive payment from the Government whilst taking parental leave, this provides financial support at the minimum wage for up to 18 weeks to the primary carer of a newly born or adopted child. This is called "Parental Leave Pay" or "PLP". It is a means-tested entitlement, so is not available to everyone.

Eligible employees can claim PLP for one set period and one flexible period.

#### First Period: Set Parental Leave Pay

The first PLP period is a set period of 12 weeks. This has to be used in one continuous period within 12 months of the birth or adoption of a child.

#### Second Period: Flexible Parental Leave Pay

The second PLP period allows an employee to use up to 30 days of flexible PLP. The flexible PLP period:

- can be taken in flexible periods as agreed by the employee and the Employer
- has to be taken within 24 months of the birth or adoption of a child
- usually starts after the first PLP period ends

Employees who want to use flexible PLP when they return to work from a set period of parental leave need to come to an agreement with the Employer about how it will work in their circumstances. Some of the arrangements that might be agreed include:

- reducing the hours or days of work
- changing the pattern of work
- taking additional unpaid leave

An employee's unpaid parental leave ends when they return to work, even if they're working less or different hours than they used to.

Employees can use PLP before, after or at the same time as their paid and unpaid entitlements such as annual leave, long service leave and unpaid parental leave.

For information about eligibility, making a claim and sorting out payments, go to Services Australia: [www.servicesaustralia.gov.au/individuals/services/centrelink/parental-leave-pay](http://www.servicesaustralia.gov.au/individuals/services/centrelink/parental-leave-pay)

### Government Funded 'Dad and Partner Pay'

Eligible working dads and partners (including same-sex partners) may be entitled to two weeks leave paid at the National Minimum Wage. These payments are made directly to the employee by the Government. This is a means-tested entitlement, so not available for everyone.

To be eligible for the payment, employees must be on unpaid leave from the Employer. For more information go to Services

Australia: [www.servicesaustralia.gov.au/individuals/services/centrelink/dad-and-partner-pay](http://www.servicesaustralia.gov.au/individuals/services/centrelink/dad-and-partner-pay)

### Return to Work Guarantee

Upon ending the period of unpaid parental leave, an employee is entitled to return to:

- their pre-parental leave position; or
- if that position no longer exists, an available position for which they are qualified and suited that is nearest in status and pay to their pre-parental leave position.

### Community Service Leave

Employees, including casual employees, can take community service leave for certain activities such as:

- voluntary emergency management activities
- jury duty (including attendance for jury selection).

With the exception of jury duty, community service leave is unpaid.

### Long Service Leave

An employee is entitled to long service leave after a long period of working for the same employer. Most employees' entitlement to long service leave comes from long service leave laws in each state or territory. These laws set out:

- how long an employee has to be working to get long service leave (e.g. after 7 years)
- how much long service leave the employee gets

In some states and territories long serving casuals are eligible for long service leave.

## Motor Vehicle Policy

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### Purpose of the Policy

The purpose of this Policy is to outline the conditions under which a vehicle is used by employees of Plunkett Orchards and the obligations of employees who have been provided with a vehicle.

### Responsibility for Expenses

If Plunkett Orchards provides an employee with a motor vehicle, the employee is entitled to use it for work-related purposes. Reasonable personal use is also permissible in accordance with Plunkett Orchards's instructions from time to time, and subject to the restrictions specified in this Policy.



## FJ Lenne Pty Ltd

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Plunkett Orchards will pay all taxes, insurance premiums, running costs, maintenance and repair expenses associated with the running of the vehicle.

### Ownership of Vehicle

At all times, the vehicle remains the property of Plunkett Orchards.

### Maintaining Plunkett Orchards's Vehicle

An employee who is provided with a vehicle must:

- take good care of the vehicle;
- if required by Plunkett Orchards, ensure that it is properly and responsibly maintained and serviced, particularly in accordance with warranty requirements;
- ensure that the provisions of any insurance policy relating to the vehicle are observed;
- not allow the vehicle to be driven by anyone other than the employee. Written permission must be obtained from Plunkett Orchards for any other person to use the vehicle;
- not fit any accessories to the vehicle without prior written approval from Plunkett Orchards;
- pay all parking and traffic infringement penalties relating to use of the vehicle;
- ensure that the vehicle is securely locked when left unattended and that any alarm system fitted to the vehicle is turned on;
- ensure that the vehicle is available for use by other employees when required;
- drive and use the vehicle only for the purpose for which it is intended;
- ensure that the vehicle is properly garaged when not in use;
- when required by law, immediately report any accidents involving the vehicle to the police;
- immediately inform Plunkett Orchards of any damage to the vehicle; and
- keep the vehicle clean and in good order.

### Use of Vehicle while on Leave

While the employee provided with the vehicle is on authorised leave, Plunkett Orchards may, at its absolute discretion, allow the employee to use the vehicle subject to any conditions it may impose from time to time. For example, Plunkett Orchards may require the employee to refuel the vehicle at the employee's own expense whilst on authorised leave.

### Safety

The employee's obligations with respect to safely using Plunkett Orchards's vehicle are:

- to ensure that the first aid kit provided with the vehicle is kept fully stocked and that items in that kit which have a 'used by' date are replaced after that date;
- to not drive the vehicle if the employee is taking any medication that may adversely affect the employee's ability to drive or where the employee is intoxicated through alcohol consumption or illegal drug use; and
- to obey all relevant road rules.

If an employee is involved in any accident as a result of medications use, intoxication, unlawful drug taking, negligence or recklessness, the employee will be responsible for paying any excess on the insurance and any other amount not covered by the insurance.

## Licence

Employees must maintain a current drivers' licence. An employee must notify Plunkett Orchards immediately of any driving offences which incur loss of demerit points or if their licence is suspended or cancelled. If it is a requirement of an employee's employment to drive a motor vehicle, the suspension or cancellation of the employee's licence will end the employment.

## Return of Vehicle

The employee must return the vehicle when the employment is terminated, or at any other time as Plunkett Orchards may direct.

Plunkett Orchards considers the provision of a motor vehicle as a significant privilege. Accordingly, Plunkett Orchards reserves the right to withdraw use of the motor vehicle for any employee who is in breach of this Policy. Such breach may also result in other disciplinary action, including, but not limited to, termination of employment.

Additionally, Plunkett Orchards may inspect the motor vehicle at any time without notice.

## Breaches of this Policy

A breach of this policy may lead to disciplinary action including, but not limited to, termination of employment.

# Occupational Health and Safety

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## Scope

This policy applies to:

- all employees of Plunkett Orchards (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of Plunkett Orchards (for example contractors, subcontractors, agents, consultants, temporary staff and 'workers' as otherwise defined under relevant OHS legislation) (collectively referred to as '**workplace participants**'); and
- all of Plunkett Orchards's workplaces and to other places where workplace participants may be working or representing Plunkett Orchards for example, when visiting a customer, client or supplier (collectively referred to as '**workplace**').

## Plunkett Orchards health and safety system

The Occupational Health and Safety system relates to all aspects of health and safety including (without limitation):

- Defined OHS responsibilities;
- Exercising due diligence;
- Health and safety training and education;
- Adopting a risk management approach to manage health and safety risks;
- Consultation with Plunkett Orchards and employees on matters related to health and safety;
- Emergency procedures and drills;



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- Workplace inspections;
- Incident/accident reporting;
- Management of injured workplace participants.

### Plunkett Orchards health and safety objectives

- To provide a safe and healthy work environment for all our employees, contractors and other persons;
- To provide safe and healthy methods of work;
- To provide programs of health and safety activities and procedures which are continually updated and effectively carried out;
- To identify and eliminate or reduce hazards and risks to health and safety;
- To continually monitor and improve work health and safety;
- To provide education and training resources; and
- To comply with all relevant laws, rules, standards and codes of practice.

### Management responsibilities

All Officers, Managers and Supervisors are responsible and accountable for the safety of workplace participants, contractors and company property under their control so far as reasonably practicable. Managers and Supervisors are responsible for ensuring all policies, procedures, safe work practices and safe work procedures are followed at all times.

### Employee responsibilities

All employees are required to comply with health and safety legislation and Plunkett Orchards' policies and procedures by taking reasonable care that their acts or omissions do not adversely affect their health or safety and that of other persons. Employees must report all hazards and incidents to their supervisors as soon as practically possible to ensure their own health and safety and the health and safety of others in our workplace, including contractors and third parties.

### Contractors

All contractors engaged to perform work for Plunkett Orchards are required to comply with the health and safety legislation as amended from time to time, the policy, programs and procedures of Plunkett Orchards as they relate to work health and safety and to observe all directions on health and safety given by management. Failure to comply or observe a direction will be considered a breach of the contract and sufficient grounds for termination of the contract.

### Sun Protection

You must wear appropriate protective clothing that will block out the potential damaging effects of the collar ultraviolet radiation. The most effective protective clothing is long sleeves and long trousers or shorts. Singlet tops are prohibited. Broad brimmed hats should be worn as they offer the best protection for your face, head, neck and ears. Always wear SPF 30+ sunscreen on skin that is exposed to the sun. Sunscreen is available from your supervisor. To avoid dehydration, always take several bottles of water with you for the day.



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[www.plunkettorchards.com.au](http://www.plunkettorchards.com.au)

### First Aid/Cardiopulmonary Resuscitation (CPR)

Fully trained First Aid Officers are rostered on during all shifts in the Orchard, Packing Shed and Orchard. If you require First Aid assistance, tell your supervisor immediately. First aid kits and contact details of First Aid Officers are available in the lunch rooms (The Palms, Bundara) and also with your supervisor. Any injuries (including minor injuries) must be reported to your supervisor or to the shed office as soon as they occur. All incidents that occur are recorded in the site injury register.

A CPR defibrillator is located downstairs at the main office at 255 MacIsaac Road.

### Pre-existing injuries

Plunkett Orchards endeavours to ensure that employees are not required or permitted to undertake work for which they are not physically suited and to take reasonable measures to allow work to be done in a manner which will not put any person at risk to their health and safety.

You are required to disclose any (all) pre-existing injuries or diseases suffered by you which you reasonably believe could be accelerated, exacerbated, aggravated or caused to recur or deteriorate by you undertaking the job for which you have applied. If you fail to disclose any pre-existing injuries which might be affected by the proposed employment, or if you make a false or misleading disclosure, then you will not be entitled to any compensation claims associated with that injury.

Where you have a pre-existing injury and or disease, consideration will be given to reasonable modifications to the environment or tasks, to enable you to perform your duties

### Allergies or Medications

Please advise management if you are on any regular medication that First Aid staff should be aware of, or if you suffer from asthma or allergies (eg. Bee) in case an emergency response is required.

I, {{FullName}}, have read and understood this policy and accept the terms and conditions contained in it. I believe the terms and conditions set out in this policy to be fair and reasonable.

Signed: {{Signee-1-Signature}}

Date: \_\_\_\_\_

## Performance and Misconduct Policy

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### Purpose

The objectives of Plunkett Orchards' Performance and Misconduct Policy ('Policy') are to:

- improve the standard of an employee's performance and/or correct an employee's conduct where Plunkett Orchards deems this appropriate or necessary; and
- provide employees with an opportunity to improve their performance or correct their conduct (other than in situations where summary dismissal is appropriate).



### Application of the Policy

This Policy may be varied from time to time by Plunkett Orchards. This Policy does not form part of any employee's contract of employment.

This Policy may be used as guidance for the process or manner in which Plunkett Orchards may discipline an employee because of their poor performance or inappropriate conduct in any circumstances that can be connected to, or impact upon, Plunkett Orchards

Consequently, employees need to ensure that they exhibit appropriate out-of-work conduct where the circumstances or event can be connected to Plunkett Orchards, such as a work-related function. A work-related function is any function that is connected to work and includes events such as work lunches, dinners, conferences, Christmas parties and client/customer functions. This Policy also applies when employees go to other workplaces in connection with work, for example, when visiting a supplier, client or customer.

If an employee's conduct involves a potential breach of any Australian law, Plunkett Orchards may notify the police or other relevant government authority.

### Grounds for disciplinary action

Disciplinary action may be taken in response to any:

- unsatisfactory performance;
- unacceptable conduct; and
- wilful or serious misconduct.

### Disciplinary procedure

The procedures outlined below are intended as a guide only to the disciplinary procedures which may be implemented by Plunkett Orchards. In every case, Plunkett Orchards will determine the actual disciplinary procedure to be adopted in its discretion and in consideration of the circumstances of the case as a whole. Nothing in this Policy prevents Plunkett Orchards from issuing a final warning at any stage of the process. Similarly, nothing in this Policy prevents Plunkett Orchards from dismissing an employee at any stage of the procedure set out in this Policy if Plunkett Orchards deems this action is warranted, for example in circumstances involving an employee committing serious or wilful misconduct.

### Investigation

Depending on the circumstances, it may be necessary to conduct an investigation into certain incidents and/or allegations that have been raised. This may involve collecting relevant data and interviewing the relevant employee as well as material witnesses (such as the employee's co-workers or supervisors, or even customers and suppliers with whom the employee has had contact). An employee may be suspended from duty on ordinary pay pending the completion of an investigation.



### Disciplinary interview

If on the basis of the investigation, Plunkett Orchards believes that there is a case to be answered by the employee, the employee may be asked to attend a formal interview meeting to address the area(s) of concern.

An example of a procedure that may be adopted by Plunkett Orchards in these circumstances may involve:

- the employee being given notice of the meeting and what will be discussed at the meeting;
- the employee being given a reasonable opportunity to have a support person present at the meeting.
- putting the issue(s) of concern or allegations to the employee;
- giving the employee an opportunity to respond to the concerns or allegations;
- Plunkett Orchards considering the employee's response and making any further enquires or investigations (if necessary);
- Plunkett Orchards determining whether the concern(s) or allegations have been substantiated on the balance of probabilities; and
- if it is determined that all or some of the concerns or allegations are substantiated, Plunkett Orchards will make a decision about what, if any, disciplinary action is appropriate in the circumstances.

### Disciplinary action

Any disciplinary action taken by Plunkett Orchards against an employee will vary from case to case. This may include a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance or conduct.

Examples of disciplinary action which may be taken by Plunkett Orchards include, but are not limited to, the following:

- training;
- verbal warning;
- written warning; and
- dismissal, including summary dismissal in circumstances of serious or wilful misconduct.

## Personal Grievance Policy

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### Purpose of Policy

The procedures outlined in this Personal Grievance Policy ('Policy') aim to achieve consistent treatment in the handling of personal grievances in the workplace and provide a procedure to follow in the event a personal grievance arises.

### Commencement of Policy

This Policy will commence from 1 September 2018. It replaces all other personal grievance policies of FJ Lenne Pty Ltd & Plunkett Orchards.

## Application of the Policy

This Policy applies to employees of Plunkett Orchards. It does not form part of any employee's contract of employment.

This Policy does not apply to grievances related to discrimination, harassment or bullying. If such a grievance arises, refer to the *Anti-Discrimination and Equal Employment Opportunity Policy*, which outlines a specific complaints procedure to deal with those grievances.

Plunkett Orchards may at its sole discretion, on a case by case basis, alter the manner in which the process outlined in this Policy is conducted to ensure it suits the particular grievance.

## What is a grievance?

A grievance is any type of problem, concern or complaint related to an employee's work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting on an employee, which the employee believes is unfair or unjustified.

A grievance can relate to almost any aspect of employment, for example:

- safety in the workplace;
- staff development or training;
- leave allocation;
- supervision;
- rosters or hours of work;
- performance appraisal;
- transfer or promotion; and
- wage or salary levels.

## Dealing with personal grievances

Plunkett Orchards recognises that an employee may not perform to the best of their ability if they feel they are being treated unfairly or are feeling aggrieved. Accordingly, Plunkett Orchards value open and honest communications and will endeavour to provide a fair and just working environment, by aiming to ensure that employees have access to processes for the resolution of genuine personal grievances related to the workplace.

As such, Plunkett Orchards will use its reasonable endeavours to:

- encourage staff to come forward with personal grievances;
- deal with personal grievances in a supportive way, without victimisation or intimidation of any person connected with the grievance;
- encourage fairness, impartiality and the resolution of personal grievances as reasonably promptly and as close as possible to the source of the grievance; and
- have managers and supervisors seek to prevent and resolve personal grievances.

Where a personal grievance arises, Plunkett Orchards will endeavour, if appropriate, to resolve the dispute in line with the following procedure:

Summary of Plunkett Orchards’s personal grievance procedure

<p><b>Preliminary steps</b></p>	<p><b>Attempt to resolve the grievance yourself</b></p> <p>If the employee feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved in the grievance. The employee may discover that the other person was not aware of their grievance and the matter may be able to be resolved directly.</p> <p><b>Report the grievance to management</b></p> <p>If the employee does not feel comfortable talking to the person(s) involved, or they have attempted to and it was ineffective in resolving the grievance, or if there is no other person involved in the grievance, the employee should report the grievance to a Plunkett Orchards Contact Person. The Contact Persons include:</p> <ul style="list-style-type: none"> <li>• HR Manager or your supervisor</li> </ul> <p>After reporting a personal grievance, the Contact Person will use reasonable endeavours to conduct an initial meeting with the employee to:</p> <ul style="list-style-type: none"> <li>• obtain information about the employee’s personal grievance and what they consider will resolve it;</li> <li>• explain how the personal grievance procedure works;</li> <li>• decide if they are the appropriate person to handle the grievance. This includes considering whether they have the necessary authority and can deal with the grievance in an impartial manner. If the Contact Person feels they cannot effectively handle the employee’s personal grievance they will refer the matter to another more appropriate supervisor.</li> </ul> <p>Where it is not practical to conduct such a meeting, the Contact Person may carry out these steps by telephone or written correspondence.</p> <p>Once the employee has reported the matter to a Contact Person, that person may commence one of the procedures outlined below that is regarded as suitable for dealing with the grievance.</p> <p>Anonymous Reporting</p>
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	<ul style="list-style-type: none"> <li>• If you do not feel comfortable to talk to the Contact Person you may write an anonymous letter to Reception</li> <li>• You should deliver the letter to Reception, have someone else deliver it on your behalf or place your letter in the 'Suggestions Box' located on the north facing, outer wall to the smoko room (near the time clock docking station).</li> </ul>
<p><b>Step 1</b></p>	<p><b>Informal procedure</b></p> <p>The informal procedure involves a range of informal actions to resolve the grievance. Such actions will depend on the individual circumstances of the grievance. Possible actions include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• the Contact Person discussing the issue with the person against whom the complaint is made; and/or</li> <li>• the Contact Person facilitating a meeting between the parties in an attempt to resolve the issue and move forward.</li> </ul> <p>Many personal grievances are able to be resolved through the informal procedure. However, in circumstances where the Contact Person considers the informal procedure is not appropriate, and the grievance is sufficiently serious, the grievance may be escalated to the formal procedure.</p>
<p><b>Step 2</b></p>	<p><b>Formal procedure – Investigation</b></p> <ul style="list-style-type: none"> <li>• If the grievance is not able to be resolved through the informal procedure or the informal procedure is not appropriate, the formal procedure may be commenced.</li> <li>• The formal procedure involves a formal investigation of the grievance and a decision about appropriate actions and outcomes.</li> <li>• The investigation generally involves collecting information about the grievance and then making a finding based on the available information. Once a finding is made, the Contact Person or an external investigator will make recommendations about the grievance.</li> </ul>
<p><b>Other Actions</b></p>	<p><b>Referral to external mediator</b></p>

	<ul style="list-style-type: none"> <li>Where all parties to the grievance (including Plunkett Orchards) agree that mediation may be appropriate in resolving the grievance, the grievance may be referred to an external mediator.</li> </ul>
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## Other procedural issues

### Work to Continue

Work will continue as normal while a personal grievance is being dealt with under this Policy. All persons affected by the grievance are expected to co-operate with Plunkett Orchards to ensure the efficient and fair resolution of the grievance.

### Victimisation

Disciplinary action will be taken against any person who victimises or retaliates against a person who has lodged or is involved in a personal grievance issue under this Policy. Such action may include termination of employment.

### Confidentiality

- The Contact Person(s) will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other employees or workplace participants in order to determine what happened so as to afford fairness to those against whom the complaint has been made, and to resolve the grievance.
- All employees and workplace participants involved in the grievance must also maintain confidentiality, including the employee who lodges the complaint. The complainant may discuss the grievance with a designated support person or representative (who is not an employee employed or engaged by Plunkett Orchards). However, the support person or representative must also maintain confidentiality.
- If a person breaches confidentiality they may be disciplined.

### Documentation

Where considered appropriate by Plunkett Orchards, agreed resolutions of personal grievances arising from the informal procedure may be recorded and signed by all parties. Generally, it will not be necessary to put records of a personal grievance on an employee's personnel file, unless there is some disciplinary action taken as a result of the grievance. A record of any disciplinary action that is taken arising from a formal investigation will be placed on the personnel file of any person who is disciplined.

### Access to support and representation

The employee can seek advice from their manager, supervisor or a support person at any stage during the grievance process. The employee can bring a support person to a grievance meeting if so desired.

### Possible Outcomes

- Plunkett Orchards will in its sole discretion determine whether any outcomes (disciplinary or otherwise) are appropriate. The outcomes will depend on the nature of the grievance and the procedure followed to address the grievance.
- Where an investigation results in a finding that a person has engaged conduct in breach of a Plunkett Orchards Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the grievance and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected person(s) and Plunkett Orchards.
- Plunkett Orchards may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:
  - training to assist in addressing the problems underpinning the grievance;
  - monitoring to ensure that there are no further problems;
  - implementing a new policy;
  - requiring an apology or an undertaking that certain behaviour stop; and/or
  - changing work arrangements.

## Phone and Internet Policy

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### Purpose

Plunkett Orchards ("the company") provides this policy to set out guidance relating to phone and internet use by employees.

Inappropriate use of phone and internet at work decreases productivity, causes security risks, distracts co-workers and colleagues, and can cause significant expense to a business.

This policy is designed to set down minimum standards regarding phone and internet use for all employees during their employment with the Company.

In so far as this policy imposes any obligations on the Company, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

The Company may unilaterally introduce, vary, remove or replace this policy at any time.

### Phone Use

The following guidelines govern the use of telephones and mobile phones and the making and/or receiving of personal calls during work time:

- Personal calls should never take precedence over your work duties. Unless there is an emergency, all personal phone calls should be restricted to legitimate work breaks (for example, your meal break) or before or after the commencement of your shift;



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- Any workplace phones are provided for the conduct of the Company's business. Such phones should not be used for personal calls except in the case of emergency, or where you have permission to make or receive personal calls by your manager. Any use of Company phones for the conduct of any other business or for the financial gain of any other party is expressly prohibited;
- Employees must not use Company phones in any way that offends the law or as a device for delivery of offensive or objectionable communications. Offences of this nature may result in disciplinary action up to and including termination of employment;
- Where you are provided with a Company mobile phone it is provided solely for performance of your work duties, unless the Company informs you otherwise. The Company will only pay for legitimate work calls and you may be required to pay for personal phone usage (unless you are informed otherwise).

### Use of the Internet and Emails at Work

The Company acknowledges that employees may need to access and use the internet to carry out their duties and to send and receive emails. In order to provide employees with clear expectations as to what is and what is not an appropriate use of the internet and email at work, the following guidelines have been developed.

This policy applies to the use of the Company's internet and email services whilst employees are at work, and when employees access such services outside of work hours (for example when they take a Company laptop home or on a business trip).

This policy also applies to the use of personal equipment (eg mobile phones and personal computers) that are used to access Company systems or emails.

Please remember that your work emails are property of the Company, as are all programs and files used on the Company's internet and computer systems. You should therefore use all such systems and materials appropriately in accordance with your work duties and follow any directions given to you by the Company regarding their use.

On request you must provide all password and login details used in connection with your work duties to the Company. You must also return all Company equipment and materials (eg laptops, USB drives, Company data saved in other locations, etc) on request and upon termination of your employment.

As far as is reasonably possible, the Company will respect the privacy of individuals in the application and enforcement of this policy.

- Only use the internet and email for legitimate business purposes related to your job;
- Permission from your manager may be sought to use the Company internet in non-work time for study, research or other reasonable purpose;
- Do not use the Company internet or email for personal use. In particular, you should not access personal emails, or social media unless specific permission of your manager has been obtained;



- Do not use the Company internet or email for personal gain or the benefits of persons other than the Company;
- Do not use the Company internet or email to send defamatory, threatening, sexually explicit, offensive or obscene messages or images to other employees or to anyone outside the Company;
- Do not use the Company internet or email to send messages or images that are discriminatory (such as those which are racist or involve sexual harassment) to other employees or to anyone outside the Company;
- Do not use the Company internet or email in any way which involves sending or accessing material that is unlawful or illegal;
- Do not use the Company internet or email to download, upload, retrieve or send a sexually explicit, racist or otherwise discriminatory, illegal or unlawful, offensive or obscene material while you are on work premises (even if using your personal equipment), or while using Company computers or systems inside or outside of work premises;
- Do not access without permission (hack) any computer, whether owned by the Company or by any other organisation;
- When you send emails or use the Company internet, do not disclose confidential information, unless this is necessary for the performance of your work duties;
- Do not delete information belonging to the Company from its computer systems without its permission;
- Do not use the Company internet or email for the creation of legal or contractual obligations that bind the Company unless specifically authorised to do so by your manager;
- Do not use the Company's systems, internet or wi-fi to connect to personal services (such as personal email services) during working hours using Company or personal equipment;
- Do not use another employee's computer or email to carry out any of the activities prohibited above

## Security

Employees must ensure that the Company's confidential information, intellectual property and hardware is secured at all times whether in the workplace, when working remotely or in transit.

Employees should:

- Ensure all devices are password protected and locked when not in use;
- Only connect devices to WiFi at secure locations such as your home or workplace. Do not connect to unsecured WiFi networks in public places;
- Promptly report the loss or theft of any devices with access to the Company's proprietary information or systems;
- Not download or open any suspicious emails or files without first checking with a manager or IT department;
- Virus scan any material before uploading it into the Company's network or PC's;
- Obtain permission before downloading any material onto a USB or cloud



### Type of surveillance in Plunkett Orchards' workplace

On a continuous and ongoing basis during the period of this Policy, Plunkett Orchards will carry out computer surveillance of any user at such times of Plunkett Orchards' choosing and without further notice to any user.

Computer surveillance occurs in relation to:

- storage volumes;
- internet sites — every web site visited is recorded including the time of access, volume downloaded and the duration of access;
- download volumes;
- suspected malicious code or viruses;
- emails — the content of all emails received, sent and stored on the computer network (this also includes emails deleted from the Inbox); and
- computer hard drives — Plunkett Orchards may access any hard drive on the computer network.

Plunkett Orchards retains logs, backups and archives of computing activities, which it may audit. Such records are the property of Plunkett Orchards, are subject to State and Federal laws and may be used as evidence in legal proceedings, or in workplace investigations into suspected misconduct.

### What will the computer surveillance records be used for?

Plunkett Orchards may use and disclose the computer surveillance records where that use or disclosure is:

- for a purpose related to the employment of any employee or related to Plunkett Orchards's business activities; or
- use or disclosure to a law enforcement agency in connection with an offence; or
- use or disclosure in connection with legal proceedings; or
- use or disclosure reasonably believed to be necessary to avert an imminent threat of serious violence to any person or substantial damage to property.

For example, use or disclosure of computer surveillance records can occur in circumstances of assault, suspected assault, theft or suspected theft of Plunkett Orchards's property (or that of a related corporation of Plunkett Orchards) or damage to Plunkett Orchards's equipment or facilities (or that of a related corporation of Plunkett Orchards).

### Breach of This Policy

A breach of this policy may result in disciplinary action up to and including termination of employment. In addition, unlawful or illegal use of the Company's internet or email systems may constitute a civil or criminal offence for which you could personally be liable.

## Social Media Policy

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At Plunkett Orchards (“the Company”) we understand that social media networks (such as Facebook, Twitter, LinkedIn, Instagram etc.) play an important part in today's society and that the majority of our employees may use social media in some personal capacity.

It is important for all employees of the Company to be aware that much of the information exchanged within social media networks online or otherwise falls within the public domain, and the line drawn between what is considered to be personal and public is not always clear. It is also important to remember that information posted on social network sites can be easily traced and can generally be accessed at any time.

### Purpose

The purpose of this policy is to outline minimum standards regarding social media use and participation for all employees during their employment with the Company.

In so far as this policy imposes any obligations on the Company, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

The Company may unilaterally introduce, vary, remove or replace this policy at any time.

### Social Media Use

The following rules should be followed by all employees of the Company in relation to social media networks. These rules apply whether employees are using social media either during or outside of work hours:

- Employees should not post anything on social media networks that refers to their employment, the Company or any persons associated with the Company (eg other employees, directors, customers, clients, suppliers, etc) without the Company's express permission;
- Employees should not identify themselves on social media networks as an employee of the Company. Employees should not, for example, post pictures of themselves in any work uniform;
- When participating in social media networks, employees of the Company should ensure that personal comments do not bring the Company or any of its directors or its employees into disrepute;
- It is unacceptable to disparage the Company, or any persons associated with the Company (eg other employees, directors, customers, clients, suppliers, etc) in any way when participating in social media networks;
- Employees of the Company should not participate in social media networks in such a way that negatively impacts upon their effectiveness and productivity at work;

- Employees are not to access social media sites during working hours unless the use is directly related to the performance of duties required in the course of their employment;
- When participating in social media networks, employees of the Company should not imply that any personal comments are endorsed in any way by the Company;
- When participating in social media networks, employees must not disclose confidential information belonging to the Company or any other information the employee is required to keep confidential;
- Employees are prohibited from posting pictures, images or other items of their work, place of work or whilst taken when performing their work duties without the Company's express permission;
- Employees of the Company should not participate in social media networks in such a way that harasses, discriminates or treats unfairly or inappropriately any other employee, customer or client of the Company.

### Breach of This Policy

Any breach of this policy may result in disciplinary action, up to and including termination of employment.

## Workplace Bullying Policy

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### Purpose

Plunkett Orchards aims to provide a safe and healthy work environment, so far as is reasonably practicable, in which all workers are treated fairly, with dignity and respect. Bullying is a risk to the health and safety in the workplace, and will not be tolerated by Plunkett Orchards.

This Policy outlines Plunkett Orchards's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of Plunkett Orchards and workplace participants in relation to preventing bullying in the workplace.

### Scope

This Policy covers all employees of Plunkett Orchards (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of Plunkett Orchards (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively 'workplace participants').

This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions. This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

### Legal responsibilities

Everyone at the workplace has a legal responsibility to prevent bullying from occurring.

Under relevant health and safety legislation (the 'WHS Legislation') Plunkett Orchards has the primary duty to eliminate or minimise, as far as reasonable practicable, the risks to health and safety

in the workplace. This duty includes the implementation of strategies to prevent workplace bullying. This policy will assist Plunkett Orchards in complying with its legal responsibilities.

Workplace participants are also required under the WHS Legislation to take reasonable care for their own health and safety, as well as that of others at Plunkett Orchards's workplace. All workplace participants must also comply with any reasonable instruction given by Plunkett Orchards.

### What is workplace bullying?

Workplace bullying is repeated, unreasonable behaviour by an individual or group of individuals, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities — ie a pattern is being established from a series of events).

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person, regardless of what the intention of the behaviour is.

### Examples of workplace bullying

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying.

#### Direct bullying:

- abusive, insulting or offensive language or comments
- spreading misinformation or malicious rumours
- behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming
- displaying offensive material
- inappropriate comments about a person's appearance, lifestyle, their family, or sexual preferences
- teasing or regularly making someone the brunt of pranks or practical jokes
- interfering with a person's personal property or work equipment, or
- harmful or offensive initiation practices.

#### Indirect bullying:

- unreasonably overloading a person with work, or not providing enough work
- setting timeframes that are difficult to achieve, or constantly changing them
- setting tasks that are unreasonably below, or above, a person's skill level
- deliberately excluding or isolating a person from normal work activities
- withholding information that is necessary for effective work performance
- deliberately denying access to resources or workplace benefit and entitlements, for example training, leave etc.

- deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore unacceptable to Plunkett Orchards.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

Bullying in the workplace is harmful not only to the target of the behaviour but damages Plunkett Orchards's culture and reputation. It is unacceptable and will not be tolerated.

### What does not constitute workplace bullying?

Managing workplace participants does not constitute bullying, if it is done in a reasonable manner. Managers have the right, and are obliged to, manage workplace participants. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience
- allocating work fairly
- fairly rostering and allocating working hours
- transferring a workplace participant for legitimate and explained operational reasons
- deciding not to select a workplace participant for promotion, following a fair and documented process
- informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- informing a workplace participant about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring, and
- performance management processes.

### What steps will Plunkett Orchards take to prevent workplace bullying?

Plunkett Orchards will take all reasonable steps to prevent bullying through a risk management process. This process includes, but is not limited to:

- identification of bullying risk factors — these are things and situations which could contribute to bullying such as the way in which staff are managed;
- assessment of the likelihood of bullying occurring from the risk factors identified and their potential impact on the workplace participants or workplace;
- eliminating the risks, as far as reasonable practicable, or controlling, or minimising, them as far as reasonable practicable;

- reviewing the effectiveness of the control methods put in place and the process generally; and
- training workplace participants about bullying, how to deal with it and its impact on the workplace.

### Complaint procedure

If a workplace participant feels that they have been bullied, they should not ignore it.

Plunkett Orchards has a complaint procedure for dealing with bullying (set out below). The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The procedure should be referred to and followed.

Any bullying issue should be brought to Plunkett Orchards's attention as soon as possible. There are a number of options available to workplace participants.

### Confront the issue

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the bullying behaviour, explain that the behaviour is unwelcome and offensive and ask that it stop.

This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the worker should report the issue to their manager. If the manager is the alleged perpetrator, then the matter should be reported to a senior manager, or to the HR Manager.

If at any time, a workplace participant is unsure about how to handle a situation they should contact the HR Manager for support and guidance.

### Report the issue

There are two complaint procedures that can be used to resolve bullying complaints: informal and formal (detailed further below). The type of complaint procedure used depends on the nature of the complaint that is made. The aim is to ensure that workplace participants are able to return to a productive and harmonious working relationship as soon as possible.

### Informal complaint procedure

Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. The manager or HR Manager will determine which process to follow. The possible options include, but are not limited to;

- discussing the issue with the person against whom the complaint is made; and/or
- facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, may not warrant disciplinary action being taken.

### Formal complaint procedure

The formal complaint procedure involves the workplace participant making a written complaint and a formal investigation of that complaint. It is appropriate for more serious allegations, or if senior

management are involved. Formal investigations may be conducted by Plunkett Orchards or by an external investigator appointed by Plunkett Orchards.

An investigation generally involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred.

Once a finding is made, Plunkett Orchards or the external investigator will make recommendations about what actions should be taken to resolve the complaint and any appropriate disciplinary action.

If the Company considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. Plunkett Orchards may also provide alternative duties or work during the investigation period. Generally, workplace participants will be paid their normal pay during any such period.

### Dealing with bullying complaints

In handling bullying complaints, Plunkett Orchards will adopt the following principles:

- Take all complaints seriously.
- Act promptly.
- Will not victimise any person who makes a complaint, any person accused of bullying, or any witnesses and will direct other workplace participants not to victimise any person involved in a complaint.
- Support all parties.
- Be impartial.
- Communicate the investigation or complaint process to all parties involved, including estimating length of time for resolution.
- Maintain confidentiality — Plunkett Orchards will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to legal representatives or Plunkett Orchards's senior managers. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness. All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint.
- Act appropriately — if a complaint is made and it appears that bullying has occurred, Plunkett Orchards will endeavour to take appropriate action in relation to the complaint.
- Keep records — documentation is essential. A record of all meetings and interviews stating who was present and agreed outcomes should always be maintained.

### Possible outcomes

The possible outcomes of an investigation will depend on the nature of the complaint. Where an investigation results in a finding that a person has engaged in bullying behaviour, that person will be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and Plunkett Orchards. Plunkett Orchards may take a range of disciplinary action. Examples include, but are not limited to:

- providing training to assist in addressing the problems underpinning the complaint;



- monitoring to ensure that there are no further problems;
- implementing a new policy;
- mentoring and support from senior management;
- requiring an apology or an undertaking that certain behaviour stop;
- changing work arrangements;
- transferring to another work area;
- issuing a written warning (this can be a first or final warning depending on the circumstances);
- dismissal.

### Management's role

Managers and supervisors have a key role in the prevention of workplace bullying.

Managers and supervisors must:

- ensure that they do not bully workplace participants, clients or customers
- ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour
- ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it
- ensure that all workplace participants who report to them understand that any bullying in any form is unacceptable and will not be tolerated by Plunkett Orchards
- act promptly and appropriately if they observe bullying behaviours
- ensure that all workplace participants who report to them understand that they should report any bullying behaviour
- ensure all workplace participants who report to them are aware and understand the complaint procedures
- act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the HR Manager as soon as possible.

### Workplace participant's role

All workplace participants must:

- understand and comply with this policy
- ensure they do not engage in any conduct which may constitute bullying towards other workplace participants, customers/clients or others with whom they come into contact through work
- ensure they do not aid, abet or encourage other persons to engage in bullying behaviour
- follow Plunkett Orchards's complaint procedure if they experience bullying
- report any bullying they see occurring to others in the workplace in accordance with this policy
- maintain confidentiality if they are involved in the incident which has been reported.

### Breach of this Policy

Plunkett Orchards takes very seriously its commitment to provide, so far as is reasonably practicable, a safe and healthy work environment, free from bullying. All workplace participants are required to comply with this policy.

If an employee breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with Plunkett Orchards terminated or not renewed.

If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

### More information

If a workplace participant is unsure about any matter covered by this policy, or requires more information about workplace bullying they should seek the assistance of their manager, or of, the HR Manager.

## Workplace Drug and Alcohol Policy

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### Purpose

Plunkett Orchards is committed to providing a safe and healthy work environment, so far as is reasonably practicable in which all workers are treated fairly, with dignity and respect. The use of drugs and alcohol may impact on an individual's capacity to perform work safely, efficiently and with respect, thereby posing a risk to the health and safety of the individual and others at the workplace. This policy outlines Plunkett Orchards' commitment to a safe workplace and is aimed at preventing, or minimising, any risk of injury or harm to the health and safety of its workers, or others at the workplace, from the use of alcohol or drugs. It describes the standards of behaviour expected in relation to the use of drugs and alcohol, the responsibilities of Plunkett Orchards, workers and others at the workplace, and the consequences of breaching the policy.

### Scope

This policy applies to:

- all employees of Plunkett Orchards (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of Plunkett Orchards (for example contractors, subcontractors, agents, consultants, labour-hire and temporary staff) (collectively referred to as 'workers');
- all of Plunkett Orchards' workplaces and to other places where workers may be working or representing Plunkett Orchards for example, when visiting a customer, client or supplier (collectively referred to as 'workplace'); and to
- all work-related functions, for example, work lunches, conferences, Christmas parties and client functions.

This Policy has been developed and implemented in consultation and co-operation with Plunkett Orchards' workers and/or the work, health and safety representatives. It does not form part of any employee's contract of service, nor does it form part of any contract for service.

## Definitions

The following are terms used in this Policy:

- 'drugs' — include illegal drugs, prescription or pharmacy drugs, or synthetic drugs as defined below.
- 'illegal drugs' — include:
  - any drug prohibited by Australian State, Territory or Federal law or any other laws (including foreign and international laws) to which Plunkett Orchards is subject or which apply to the work performed at or for Plunkett Orchards;
  - prescription or pharmacy drugs (as defined below) which are used without the necessary prescription, or for non-medical purposes;
  - any synthetic drug (whether prohibited by law or not), being a psychoactive herbal and/or chemical product which, when consumed, mimics the effects of a prohibited drug, for example synthetic cannabis (aka 'Kronic').
- 'management' — means Plunkett Orchards' managers, supervisors, team leaders (whichever are relevant) and all employees with supervisory responsibilities.
- 'prescription drugs' — mean lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose and issued by a pharmacist.
- 'pharmacy drugs' — mean drugs which are lawfully available at Australian pharmacies (without a prescription) and are required for a legitimate medical purpose.
- 'under the influence' — means that a person's faculties are impaired by the use of drugs or alcohol to the extent that the person is unfit to be entrusted with a duty they perform, or may be called on to perform, with efficiency and safety to themselves and others.

## Responsibilities

Workers' responsibilities

- All workers must:
  - comply with this policy;
  - observe all directions from Plunkett Orchards in regards to this policy;
  - recognise that performance of duties could be affected by alcohol or drugs; and
  - immediately notify management if they are aware of any breach of this policy by another worker. Subject to any disclosures required by law, any notifications received by management will be treated confidentially. Failure to report any breach of this policy by another worker may itself constitute a breach of this policy.
- Except as set out in this Policy, workers must not:
  - possess, distribute, sell, use or consume illegal drugs in the workplace. Such conduct constitutes serious misconduct. It may also constitute a criminal offence, in which

case Plunkett Orchards may notify the police, or other appropriate government authority;

- work while under the influence of drugs or alcohol;
- attend work, commence or return to work while under the influence of alcohol and/or drugs;
- consume alcohol and/or drugs during work, or at the workplace (note qualification for prescription and pharmacy drugs below).

### Responsibilities of management

Management is responsible for ensuring that this policy is implemented in their area. This includes ensuring that:

- all workers are made aware and understand this policy;
- risk assessments are undertaken on work tasks in consultation with workers and/or work health and safety representatives;
- the behaviour of workers is observed to ensure adherence with the policy;
- any concerns or issues are addressed proactively and expediently to ensure the health and safety of all workers;
- support is provided to workers where appropriate; and
- any suspected breaches of this policy are acted on promptly and in accordance with this policy.

### Some Specific Situations

#### Prescription and pharmacy drugs

Where a worker is taking prescription or pharmacy drugs for medical purposes, the worker will not breach this policy by attending work, if the worker:

- takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;
- does not misuse or abuse the use of prescription or pharmacy drugs;
- ensures they are able to perform their work effectively, competently and safely;
- informs themselves of the impact of consumption of alcohol with prescription and pharmacy drugs and they limit consumption accordingly; and
- checks with their medical practitioner or pharmacist about the effect of the drug on their ability to drive vehicles, operate machinery and safely perform their normal work duties. If a workers ability to perform work competently, efficiently and safely is affected, the worker should obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to their manager or supervisor as soon as possible and before undertaking their work.

If Plunkett Orchards suspects that the workers ability to safely perform work is affected, Plunkett Orchards may take steps to address the issue in accordance with this policy.

### Consumption of alcohol — workers' responsibilities

Plunkett Orchards recognises that at some work related functions responsible consumption of alcohol is allowed, for example, at a staff function, Christmas party or customer function.

In these circumstances, the following restrictions apply at all work-related functions:

workers must consume alcohol responsibly;

- workers must not become drunk. As set out above, it is a condition of waiving the prohibition on alcohol that workers consume alcohol responsibly. Inebriation does not diminish a workers responsibility for misconduct;
- workers must uphold an appropriate standard of behaviour at all times, consistent with Plunkett Orchards's codes of conduct and workplace policies;
- the restrictions set out below in relation to Plunkett Orchards vehicles and machinery continue to apply; and
- workers must ensure a safe means of transport from such functions. Workers must not drive any vehicle if they are over the legal blood alcohol limit. Workers who do not have a safe means of transport should advise management so that such transport may be arranged.

If a worker is required to return to work, or continue working after the function, and the consumption of alcohol could adversely affect their ability to perform work effectively and safely, consumption of alcohol by those workers is not permitted.

If a worker breaches this policy at a work related function and acts inappropriately, the worker may be subject to disciplinary action, and may not be permitted to consume any alcohol at future work related functions.

The prohibition relating to drugs will not be waived in any circumstances, except in relation to prescription and pharmacy drugs as set out in this policy.

### Consumption of Alcohol — Plunkett Orchards' Responsibilities

When Plunkett Orchards provides alcohol at a work related function, it will do so responsibly, ensuring that:

- workers will be reminded of this policy prior to the work related function, where appropriate and practicable;
- food will be made available during the service of alcohol;
- light alcohol and non-alcoholic beverages will be available at all times;
- alcohol will not be provided to anyone under the age of 18 years;
- alcohol will not be provided to anyone who is drinking excessively, or is (or appears to be) intoxicated;
- alcohol service is supervised, whether held at the workplace or other locations, by a suitably qualified person, who holds a certificate in responsible service of alcohol; and
- workers are reminded of the dangers of driving under the influence of alcohol and promote the use of alternative transport (eg taxis, public transport).

## Driving Plunkett Orchards Vehicles and Machinery

### Alcohol and illegal drugs

Plunkett Orchards has a legal obligation to provide a safe and healthy working environment for its workers and others in the workplace. To ensure a safe environment, no machinery is to be operated or used by anyone who is under the influence of alcohol, or used or consumed illegal drugs.

Workers must comply with alcohol concentration limits applicable to particular duties they perform, or may be called on to perform.

Plunkett Orchards will not accept liability for any damage to a Plunkett Orchards vehicle, an injury to another person, or damage to other property caused by a worker's use of a Plunkett Orchards vehicle while intoxicated from alcohol or illegal drugs. The worker will be personally liable in such circumstances.

### Prescription and pharmacy drugs

Where a worker is taking prescription or pharmacy drugs that contain a warning that the person should not drive a vehicle or operate machinery, then that worker must not drive a Plunkett Orchards vehicle or any vehicle, or operate machinery unless contrary specific medical advice is obtained and confirmed in writing, from the workers medical practitioner.

If a worker is taking prescription or pharmacy drugs and feels that their ability to safely drive a vehicle or operate machinery is affected, the worker must not drive a Plunkett Orchards vehicle, or any vehicle, or operate machinery and must notify their manager or supervisor immediately.

### Smoking

Smoking is not permitted at any of Plunkett Orchards's workplaces, except in specifically designated areas.

## What will Plunkett Orchards do if it suspects a worker is affected by drugs or alcohol?

If Plunkett Orchards suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy, Plunkett Orchards will take steps to address the issue. Reasonable grounds may include (but are not limited to) where the worker:

- is unable to coordinate their actions;
- has red or bloodshot eyes, or dilated pupils;
- smells of alcohol;
- acts contrary to their normal behaviour;
- exceeds alcohol concentration limits applicable to the task they perform or may be called on to perform;
- is not behaving in a professional and competent manner and in accordance with Plunkett Orchards standards; or
- otherwise appears to be impaired or affected by drugs or alcohol.

In such circumstances, Plunkett Orchards may take the following actions (but is not limited to these actions):

- Direct the worker to go home. Suitable arrangements for safe transport will be made by the relevant manager; or
- direct the worker to attend a medical examination to determine whether the worker is fit to perform their duties effectively and safely. The medical examination may include a drug and/or alcohol test, such as a breath test, blood test, urine test or oral swab. In relation to prescription or pharmacy drugs, Plunkett Orchards may require evidence as part of the medical examination about the effects and proper use of the drug. The worker may be directed to go home following the medical examination.
- If the worker refuses to attend a medical examination, they will be directed to go home. Refusal to attend a medical examination, refusal to go home, or providing false information constitutes a breach of this policy and may result in action being taken against the worker, including action as set out below under 'Breach of policy'.
- Where a worker is sent home, or required to attend a medical examination, the worker must report to Management (or as directed) on the next working day, or as soon as possible once the worker is no longer under the influence of drugs or alcohol. Plunkett Orchards will deal with the issue as set out below under 'Breach of policy'. Failure to report constitutes a breach of this policy.

### What will Plunkett Orchards do if it finds drug or alcohol at the Plunkett Orchards' workplace?

If Plunkett Orchards finds drugs or alcohol at the workplace in breach of this policy, Plunkett Orchards may take the following action, which includes, but is not limited to:

- investigate the matter in order to attempt to determine who is responsible, including by conducting searches, as set out in this policy;
- require some, or all workers, to undergo a medical examination in order to test for the presence of drugs or alcohol.

Workers are required to co-operate in any investigation. Failure to co-operate, or providing false information in an investigation, constitutes a breach of this policy and may result in action as set out below under 'Breach of this policy'.

### What will Plunkett Orchards do if it suspects a worker has drugs or alcohol in their possession at work?

If Plunkett Orchards suspects that a worker has drugs or alcohol in their possession at work, Plunkett Orchards may take the following action, which includes but is not limited to:

- investigate the matter to attempt to determine whether the worker does have such drugs or alcohol in their possession;
- request the worker to open their locker, bag, or vehicle or to empty their pockets or jacket for the purpose of locating any drugs or alcohol.



Workers are expected to permit such inspection and co-operate with Plunkett Orchards's investigation. Failure to co-operate, or providing false information in an investigation, may result in action being taken against the worker, as set out below under 'Breach of this policy'.

### When will Plunkett Orchards conduct drug and alcohol testing?

#### Dictionary

The following definitions will apply to this part:

'Alcohol screen test' — means any analytical procedure or test which is carried out on a worker to determine the presence and/or the concentration alcohol (including but not limited to a breath test, urine sample, oral swab and blood test). These procedures are not limited to those which presently exist. As new technology is developed these may also be used for alcohol testing purposes.

'Authorised Officer' — means a suitably trained, qualified and authorised person from an independent testing agency or a suitably trained, qualified and authorised person appointed by Plunkett Orchards for the purposes of undertaking or arranging an alcohol screen test and/or drug screen test.

'Confirmatory test' — means any analytical procedure or test which is undertaken subsequent to a first alcohol screen test or drug screen test, which is used to verify the presence of drugs or alcohol.

This may include, but is not limited to the following:

- a test applied to a second sample of a worker's urine;
- a test applied to any oral swab taken from a worker;
- a second breath test;
- analysis of a worker's blood.

'Drug screen test' — means any analytical procedure or test which is carried out on a worker to determine the presence and/or the concentration of any drug (including but not limited to a breath test, urine sample, oral swab and blood test). These procedures are not limited to those which presently exist. As new technology is developed this may also be used for drug testing purposes

'Sample' — in relation to urine, includes, if the sample is divided into portions, a portion of the sample.

#### Drug and alcohol testing

Plunkett Orchards may require workers to undergo testing for the presence of drugs or alcohol in the following circumstances, with or without, prior notice:

- Casual based

If Plunkett Orchards suspects, on reasonable grounds, that a worker is under the influence of drugs or alcohol in breach of this policy;

upon finding evidence that a worker has used, possessed, sold, solicited or transferred drugs whilst in the workplace or while on Plunkett Orchards property;

where Plunkett Orchards finds drugs or alcohol in the workplace in breach of this Policy;

upon receipt of a report of drug or alcohol use, provided by a reliable and credible source and confirmed by investigation, in breach of this policy;

upon obtaining evidence that a worker has interfered with, tampered with, falsified or destroyed an alcohol screen test or drug screen test;

where a worker has previously received a positive alcohol screen test or drug screen test and has refused to undergo a confirmatory test, he/she shall be required to undergo subsequent testing;

where a worker has previously received a confirmatory test result confirming the use of illegal drugs or alcohol in breach of this policy, he/she shall be required to undergo subsequent testing;

where a worker notifies Plunkett Orchards that he/she has a drug or alcohol problem;

where a worker is taking prescription or pharmacy drugs which may affect their ability to perform the duties and responsibilities of their position in an efficient, competent and safe manner, without risk to the health, welfare or safety of the worker, or others in the workplace.

- Targeted testing

Where the worker holds a position in Plunkett Orchards in which the use of drugs or alcohol by that worker in carrying out the duties and responsibilities of that position would pose a risk to the health, welfare or safety of that worker, others in the workplace.

- Post incident or near-miss

Where the investigation of an incident or near-miss determines that the worker's actions may have been impaired due to the use of drugs or alcohol, or the worker was under the influence of drugs or alcohol.

- Random testing

When a worker, or group of worker's are randomly selected by Plunkett Orchards or an authorised officer to undergo a drug screen test and/or alcohol screen test.

A worker who is required to undertake a drug screen test and/or alcohol screen test will be requested to sign a consent form before taking a drug screen test and/or alcohol screen test. All information obtained through the above testing is covered by Australian privacy laws and Plunkett Orchards's privacy policy. Plunkett Orchards will not use this information other than for the purposes for which it is collected. The purposes of such monitoring and examination are to ensure the productivity, health and safety of personnel, to apply this policy, and for disciplinary purposes.

A refusal to undergo a drug screen test and/or alcohol screen test or providing false information, constitutes a breach of this policy and may result in action being taken against the worker, including action as set out below under 'Breach of this Policy'.

### Breach Of This Policy

Workers must comply with this policy at all times.

If an employee is found to have breached this policy, they may be subjected to disciplinary action.

The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.

Examples of disciplinary action that may be taken include (but are not limited to):

- performance counselling;
- a formal warning;
- suspension;
- demotion;
- termination of employment;
- referral to an Employee Assistance Programme ('EAP') and/or some other referral source, for counselling, treatment or rehabilitation for drug or alcohol dependency.

Agents or contractors (including temporary contractors) of Plunkett Orchards who are found to have breached this Policy may have their contracts with Plunkett Orchards terminated, or not renewed.

In circumstances where a worker's behaviour or conduct may involve a breach of any Australian law, Plunkett Orchards may notify the policy or other relevant government authority.

### [Access To Support Services](#)

If an employee notifies Plunkett Orchards that they have a drug or alcohol problem, they will be encouraged to complete a rehabilitation programme or undergo counselling.

### [Education And Training](#)

Plunkett Orchards will inform and conduct training or information sessions for all employees, relating to:

- this policy, including but not limited to the consequences of breaching this policy;
- the effects of alcohol and drug use (including prescription and pharmacy drugs);
- the risks to the health and safety of workers and others by the use of alcohol and drugs in the workplace; and
- the EAP (if applicable) and any other referral sources for counselling, treatment or rehabilitation, which are available to employees.

Where appropriate, Plunkett Orchards will conduct induction sessions for agents, contractors and their respective employees when they undertake work for Plunkett Orchards in the workplace.

These induction sessions will cover:

- this policy, including but not limited to the consequences of breaching this policy;
- the effects of alcohol and drug use (including prescription and pharmacy drugs);
- the risks to the health and safety of workers by the use of alcohol and drugs in the workplace.

### [More information](#)

If a worker is unsure about any matter covered by this Policy, they should seek the assistance of the relevant contact person.