Workplace Policies and Procedures

Office of Industrial Relations

Social problems and habits don't stop at the front door of a business. While the recruitment process may have ended the employer's responsibilities in managing staff have just begun.

What is a workplace policy?

Workplace policies often reinforce and clarify standard operating procedure in a workplace. Well written policies help employers manage staff more effectively by defining acceptable and unacceptable behaviour in the workplace, and set out the implications of not complying with those policies.

A workplace policy consists of a statement of purpose and one or more broad guidelines on action to be taken to achieve that purpose. The statement of purpose should rarely exceed one page in length and should be written in simple terms free of jargon. The length of the policy may vary depending on the issue it addresses.

A policy may allow discretion in its implementation and the basis of that discretion may be stated as part of the policy.

A policy may be required where there is a diversity of interests and preferences, which result in vague and conflicting objectives among those who are directly involved.

Not all workplace issues require a policy. Many routine matters can be dealt through simple procedures.

Benefits of having workplace policies

Well-written workplace policies:

- are consistent with the values of the organisation and employment legislation
- demonstrate that the organisation is being operated in an efficient and businesslike manner
- ensure uniformity and consistency in decision-making and operational procedures
- add strength to the position of staff when possible legal actions arise
- save time when a new problem can be handled quickly and effectively through an existing policy
- foster stability and continuity
- maintain the direction of the organisation even during periods of change
- provide the framework for business planning
- assist in assessing performance and establishing accountability
- clarify functions and responsibilities.

Developing and introducing workplace policies

The following steps help to ensure that your workplace policies are successfully introduced and implemented in the workplace:

STEP 1

Consult with staff

Involve staff in developing and implementing workplace policies to promote awareness, understanding and ownership of the outcome. Staff involvement also helps to determine how and when the policies might apply, including possible scenarios.

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STEP 2

Define the terms of the policy

Be explicit. Define key terms used in the policy at the beginning so that employees understand what is meant. The policy should explain what is acceptable and unacceptable behaviour in the workplace. You may wish to include specific examples to illustrate problem areas or unacceptable types of behaviours.

Example:

An individual shall be deemed to be under the influence of alcohol if he/she exceeds a blood alcohol level of 0.05% (0.02% for heavy vehicle drivers).

Be clear about who the policy applies to. For example, does it only apply to employees of the company or to contractors and sub-contractors engaged to perform work on business premises? This is particularly important, for example, with occupational health and safety which covers everyone in the workplace.

The policy may also need to contain information about what to do if it is not possible to follow the policy. For example, if you have a policy relating to punctuality, you may need to include a procedure outlining what to do if the employee is going to be late.

The policy should also contain procedures to support the policy in its operation, such as the implications for not complying with the policy.

Example 1: Occupational health and safety

No employee is to commence work, or return to work while under the influence of alcohol or drugs. A breach of this policy is grounds for disciplinary action, up to and including termination of employment.

Example 2: Email policy

Using the organisation's computer resources to seek out, access or send any material of an offensive, obscene or defamatory nature is prohibited and may result in disciplinary action.

STEP 3

Put the policies in writing and publicise them

To be effective, policies need to be publicised and provided to all existing and new employees. This includes casual, part-time and full-time employees and those on maternity leave or career breaks.

Policies should be written in plain English and easily understood by all employees. Consider translating the policies into the appropriate languages for employees whose first language is not English.

Ensure all staff understand what the policies mean. Explain how to comply with the policies and the implications of not complying.

STEP 4

Training and regular referral

The policies may be explained to staff through information and/or training sessions, at staff meetings and during induction of new staff. They should also be reiterated and discussed with staff regularly at staff meetings to ensure they remain relevant to your staff.

Copies of policies should be easily accessible. Copies may be kept in folders in a central location or staff areas, in staff manuals and available on the organisation's intranet system.

It is crucial to have senior management support, especially where policies relate to employee behaviour. The endorsement and modelling of the behaviour by the CEO, senior managers and supervisors will encourage staff to take the policies seriously.

STEP 5

Implementation

It is important that policies apply consistently throughout the organisation. A breach of a policy should be dealt with promptly and according to the procedures set out in the policy. The consequence of the breach should also suit the severity of the breach – whether it be a warning, disciplinary action or dismissal.

Case study

An organisation which dismissed an employee for sexual harassment was subsequently ordered to re-employ the sacked staff member as they had failed to follow their own policy. The company had a policy of zero tolerance to sexual harassment but failed to exercise the provision when the policy was breached. The Commission hearing revealed that the company had breached its own policy when it issued the employee numerous unofficial warnings instead.

Evaluate and review

Review policies regularly to ensure they are current and in line with changes within the organisation. Where policies are significantly changed they should be re-issued to staff and the changes explained to staff to ensure they understand the organisation's new directions. These changes should also be widely publicised.

Policy checklist

A policy should:

- set out the aim of the policy
- explain why the policy was developed
- list who the policy applies to
- set out what is acceptable or unacceptable behaviour
- set out the consequences of not complying with the policy
- provide a date when the policy was developed or updated.

Policies also need to be reviewed and possibly updated on a regular basis. If there is a change in equipment or workplace procedures you may need to amend your current policy or develop a new one.

Types of workplace policies

Examples of common workplace policies:

- code of conduct
- recruitment policy
- internet and email policy
- mobile phone policy
- non-smoking policy
- drug and alcohol policy
- health and safety policy
- anti-discrimination and harassment policy
- grievance handling policy
- discipline and termination policy.

Sample workplace policies

Policies on leave

While legislation and awards cover employee entitlements to various types of leave, it is helpful to have a policy that sets out how leave is managed in your workplace. For example, a policy on annual close downs will ensure your staff understand what happens during this period.

Sample policy – annual close down

The company closes for two weeks over the Christmas period each year. All staff will be given at least four weeks notice of specific dates of the close down. Any leave due at the time must be taken. If an employee's entitlement does not cover the period required, the remainder must be taken as leave without pay. All employees will receive paid leave for gazetted public holidays during the period. Annual leave loading will be paid in accordance with the award.

You may wish to develop a policy for taking other forms of leave. Such a policy would need to identify:

- types of leave available
- procedure for applying for leave
- administrative forms to be completed
- who has the authority to approve the request
- whether the leave is paid or unpaid

Code of conduct

A code of conduct sets standards of behaviour or appearance in the workplace. These standards will vary depending on the industry, the role of the employee and work undertaken by your staff. A code of conduct may include dress standards at work or email and internet use.

Dress standard

A policy on dress standard will depend on a number of issues, including:

- if the industrial award covering your staff requires you to provide them with uniforms
- if you want your staff to be in uniform
- whether you will provide the uniform or subsidise the cost of the uniform
- if a uniform is not required, what is appropriate dress for your workplace.

'Business dress' or 'smart casual' are terms that are often used in workplaces. However, you should specify what these terms mean. You may also wish to exclude particular items of clothing such as midriff tops, hipster pants, sing lets, short and open shoes if safety is an issue.

Remember, your policy cannot discriminate between men and women. If men are not allowed to wear jeans or earrings, neither can women.

If you are introducing a uniform or dress standard in your workplace, it is important to include employees in your decision making. Some employees have very strong views about being asked to wear a uniform and these need to be considered before you take any action.

Job applicants may dress more formally to an interview than they will on a day-to-day basis and may not be aware of your business's dress standards. Ensure you outline the business's dress requirements with new employees before they start. This information should also be included in their appointment letter.

Internet and email usage

A growing number of staff now has access to the internet and email in their workplace. Determining what is or is not acceptable is of concern to many employers. Companies have valid reasons for wanting to manage the use of email and Internet.

In developing a policy on the use of the Internet and email at work it is important to ensure that all terms such as 'offensive' and 'inappropriate' are clearly explained and understood by all staff. The policy should outline that the company will not tolerate any form of offensive or inappropriate material being accessed, transmitted or stored on the business system. Ideally the policy should meet the needs of the business as well as complying with any legal requirements.

Unlike personal property kept in a desk drawer or locker, electronic messages sent or received at work are not legally considered to be personal property. As the owner of the server or personal computer on which staff email is stored, many employers reserve the right the check emails as a precaution against fraud, workplace harassment or breaches of confidence by employees.

However, employees also have legitimate expectations of privacy in relation to their email communications. A failure to acknowledge these expectations can affect the usefulness of providing email facilities. Try and balance staff privacy with the legitimate interests of the business. Restrictive or intrusive policies or practice could have a negative impact on morale and productivity.

Your email and Internet policy should cover:

- requirements for storing email where it relates to the core business of the organisation
- whether back-up copies are stored on the server and who has access to them
- whether the company monitors logs of Internet usage which may reveal information such as which servers (including websites) have been accessed by the employee and email addresses used
- level of privacy employees can generally expect for their email

- circumstances in which management reserves a right to read and take action on employee email
- confirmation that email can be subject to production in litigation or other investigations
- that it is unacceptable to use email to abuse or harass other employees.

The policy should also define what you consider is acceptable and unacceptable use.

For example, employees may use the Internet access provided by the company for:

- any work-related purposes
- accessing the web for personal purposes, provided that personal use is moderate in time, does not incur significant cost to the company and does not interfere with the duties of the employee or his or her colleagues
- sending and receiving personal emails, provided that if emails are sent with a company address, a disclaimer is attached stating that the views of the sender may not represent those of the company.

Sample disclaimer

This email (and any file transmitted with it) is intended for the addressee only and may contain confidential information. If you have received this email in error, please delete it and notify the originator of the message. Any views expressed in this message are those of the individual sender except where the sender (with authority) states them to be the views of the company.

Employees may not use the Internet access provided by the company to:

- create or exchanging messages that are offensive, harassing, obscene or threatening
- visit web sites containing objectionable (including pornographic) or criminal material
- exchange proprietary information, trade secrets, or any other confidential or sensitive information about the company (unless in the authorised course of their duties)
- create, store or exchange information in violation of copyright laws (including the uploading or downloading of commercial software, games, music videos or movies)
- use Internet-enabled activities such as gambling, excessive gaming, conducting a business or conducting illegal activities;
- create or exchange advertisements, solicitations, chain letters and other unsolicited or bulk email.

Smoking in the workplace

As an employer, there are legislative requirements for you to provide a healthy and safe workplace for your employees. You have the right to designate your workplace as smoke free and can indicate that in job advertisements.

There is no legal requirement for you to provide smoke breaks. While you may be prepared to recognise the needs of a smoker, you also need to avoid the problem caused by an employee disappearing on a regular basis for a 'smoke break'.

Setting guidelines (morning, afternoon tea and lunch breaks) makes it clear to staff about what is acceptable and also overcomes the antagonism that may come from non-smoking employees when a smoker takes excessive breaks.

Points to be considered when drafting a non-smoking policy

The following information will help you when introducing a smoking policy in the workplace:

- identify the aim of the policy, which is to achieve a workplace free of environmental tobacco smoke when the smoking ban comes into place
- list the specific areas affected
- indicate if professional advice about coping without cigarettes and quitting smoking is available and where to get help
- ensure that new employees are told when applying for a job that the workplace has a non-smoking policy
- be clear that staff cannot be disciplined when they smoke away from the workplace or during their own time
- be clear that staff who fail to consider the safety of others at work by not complying with the non-smoking policy may be personally liable to a fine of up to $3,300 under Section 20 the *Occupational Health and Safety Act 2000*
- emphasise that smokers are not entitled to smoke in the workplace even if staff in a particular area all want to smoke
- be clear that even those who work in isolation are prohibited from smoking as they are likely to affect others who come into the area or through the air-conditioning system
- specify that designated smoking areas must be outdoors with no possibility of contamination of indoor areas
- set out the times during which smokers are able to use the designated smoking areas.

Drug and alcohol policy

Drug and alcohol use in the workplace is covered by the *Occupational Health and Safety Act 2000* which requires that employers:

- ensure the health, safety and welfare at work of all their employees and any other person in their place of work
- take all practical measures to protect workers in relation to health, safety and welfare
- take reasonable care for the health and safety of persons at their place of work who may be affected by their acts.

Drug and alcohol use in the workplace creates a range of problems. Employees with drug and alcohol problems can cause injury to themselves and others and damage their physical and mental health.

Workmates of a drug or alcohol user are faced with a risk of accidents, covering poor work performance, disputes and the need to 'dob in a mate' for their own good. Other problems include lateness and absenteeism, lost time and production from accidents and inefficiency and damage to plant, equipment and other property.

What should be contained in an alcohol and drug policy?

A policy to manage alcohol and drugs in the workplace should include information and procedures on:

- measures to reduce alcohol- and drug-related problems in the workplace through consultation between you and your employees
- measures to prohibit or restrict the availability of alcohol and drugs in the workplace
- preventative measures such as education and training sessions and awareness programs
- measures outlining the availability of treatment and rehabilitation for employees
- rules governing conduct in the workplace relating to alcohol and drugs including the disciplinary procedures up to and including dismissal.

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- Recruitment
- Managing People
- Managing Performance
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Other Office of Industrial Relations services

Awards Online

Awards Online is a free web service that provides easy access to information on industrial awards. You'll find all major NSW private industry awards on the site, with details of pay rates, award conditions and leave entitlements.

Check Your Pay

Check Your Pay is an online service that helps you calculate wages, allowances, penalties, leave and other entitlements. This tool is currently designed for people working in restaurants, shops, hair and beauty salons or in clerical and administration jobs. Other awards will be added over time.

Pay Rate Updates

Pay Rate Updates is a new service that offers you instant email alerts on changes to NSW pay rates, leave and other award entitlements. It is a quick, free and easy way to stay informed and anyone can register with the service.

Award Subscription Service

The OIR Award Subscription Service is another way to stay posted on current award conditions for your workplace. For a small annual subscription fee we will send you advice on any changes to your award by mail.

Publications

The OIR has a wide range of plain English brochures on basic employment rights and responsibilities, some in community languages. We also publish best practice guides, industry-specific handbooks and e-newsletters. Our publications are available online or you can pick up a copy from your nearest OIR contact centre.

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