

Social Media Policy

100-POL-SM-1223

The social media Policy outlines protocols for using social media to undertake official Hireyu business and provides guidance for employees in their personal use of social media. Social media tools are defined in this policy as all online media that allow user participation and interaction including:

- social networking sites (e.g. Facebook, LinkedIn)
- video and photo-sharing websites (e.g. YouTube, Instagram, Snapchat)
- micro-blogging (e.g. Twitter, Yammer)
- blogs, including corporate blogs, personal blogs or those hosted by media outlets (e.g. comments feature)
- instant messaging (e.g. SMS)
- wikis and online collaborations (e.g. Wikipedia)
- geo-spatial tagging (e.g. Foursquare, Facebook check-in)

Official Use

The Marketing Department manages and authorises the use of all official Hireyu social media accounts. The Department is responsible for engaging online with stakeholders and the general public in an official capacity. Comments made from Hireyu or any of its subsidiaries, social media accounts must not:

- endorse or make judgments about specific clients, competitors, partners or projects
- post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- use or disclose any confidential or secure information
- comment or post any material that might otherwise cause damage to the department's reputation or bring it into disrepute.

If an online discussion involves specific individual circumstances or personal details, the moderator must 'switch channel' by directing members of the public to an alternative medium (e.g. telephone, direct message, email, letter, face-to-face) as appropriate.

Personal use

Hireyu employees should be aware that content published on social media is, or may become, publicly available, even from personal social media accounts. Employees must ensure they don't post comments or images that are or could be perceived to be:

- made on behalf of Hireyu or management
- so harsh or extreme in criticism that they raise questions about the capacity to work professionally or impartially as a Hireyu employee (such comments would not have to relate directly to their area of work)
- compromise their capacity to fulfil duties as a Hireyu employee in an impartial and unbiased manner
- so strong in criticism of Hireyu administration that it could seriously disrupt the workplace (employees are encouraged to resolve concerns in discussion with a manager or via internal dispute resolution mechanisms)
- unreasonable criticism of Hireyu clients or other stakeholders or compromise public confidence in Hireyu.

Phillip Green



Director
HireYu

Dale Tate



Director
HireYu

Dated 1st January 2024.

Anti Bribery and Corruption Policy

101-POL-AB-1223

Hireyu is committed to conducting its business and activities with integrity. Hireyu prohibits Bribery and Corruption in any form, whether direct or indirect, whether in the private or public sector. To achieve this objective, Hireyu:

- will not engage in corrupt business practices;
- has implemented measures to prevent Bribery and Corruption by any officer, employee and Third Party (including contractor) representing Hireyu; and
- will, at a minimum, comply will all legislation that relates to Bribery and Corruption as well as any relevant industry standards. Compliance with this Policy is mandatory. Penalties may be imposed by legislation on Hireyu, its officers and employees, and Third Parties (including contractors) representing Hireyu for non-compliance with anti-bribery and corruption measures. Further, any breach of this Policy or legislation may result in the termination of your employment or contract with Hireyu.

This policy is supported by the Anti-Bribery and Corruption Procedure and Hireyu Code of Conduct which must also be complied with. Examples of conduct that may amount to bribery and/or corruption and, therefore be a breach of this Policy include:

- not paying for goods or services provided to Hireyu or paying a price for goods or services provided to Hireyu that is greater than the fair market value of the goods or services received;
- making facilitation payments;
- giving or receiving gifts and entertainment that go beyond common courtesies associated with general commercial practice;
- acting on hiring, contracting or subcontracting recommendations from Government Officials or Foreign Public Officials without complying with Hireyu's standard hiring, contracting or subcontracting criteria;
- not disclosing a conflict of interest;
- making political or other donations; and
- making any unauthorised cash transactions.

These examples are not exhaustive. All of Hireyu's officers, employees and Third Parties (including contractors) must be vigilant and ensure they do not engage in conduct that amounts to Bribery and/or Corruption. All of Hireyu's officers and employees and Third Parties (including contractors) must report any conduct that may be Bribery and/or Corruption. The process for reporting such conduct is set out in the Whistleblowing Procedure. For further information please contact your HR Manager.

Phillip Green



Director
HireYu

Dale Tate



Director
HireYu

Dated 29th December 2023.

Workplace Behaviour Policy

103-POL-WB-1223

Hireyu understands the necessity to maintain a workplace free from violence, aggression and bullying. It is a requirement of employment that this policy be adhered to. Both physical and psychological harm can occur as a result of these types of behaviours. All workers in the workplace are potentially at risk.

Violence, aggression and bullying can occur from both external and internal circumstances. Unacceptable behaviours include, but are not limited to, the following:

- Threats or acts of violence
- Intimidation
- Verbal abuse
- Sexual harassment, both verbal and physical
- Ethnic or racial vilification
- Initiation ceremonies
- Degradation via social media outlets

Behaviours such as these are not tolerated at Hireyu. Issues arising from the above behaviours should be reported to your Manager or Supervisor. Incidents shall be investigated fully and recommendations made to management.

Disciplinary action will be taken against any employee found to have breached this policy. Discipline may involve warnings, counselling or dismissal, depending upon the circumstances.

Hireyu reserves the right for Managers and Supervisors to give lawful directions to employees which do not constitute bullying.

Phillip Green



Director
HireYu

Dale Tate



Director
HireYu

Dated 29th December 2023.

Disciplinary Procedure

Document no. 111-POL-DP-0124

Date: 12th January 2024

Phillip Green



Director
Hireyu

Dale Tate



Director
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Hireyu Disciplinary Procedure

1 Purpose

To outline the processes involved in managing Misconduct or Serious Misconduct of Employees at engaged in any works or operations for or on behalf of Hireyu

2 Scope

This Procedure applies to all employees of Hireyu, excluding casuals and Employees whose conditions of employment are covered by a written agreement or contract with the Hireyu.

Whilst casual Employees are formally excluded from the Procedures for Disciplinary Action for Misconduct or Serious Misconduct in this Policy and Procedure, casual Employees may have their employment with Hireyu terminated with one hour's notice, in accordance with Hireyu's contractual agreement.

Individuals other than Employees may have their association with Hireyu terminated, or have their right or access to Hireyu's services, facilities or infrastructure revoked.

3 Procedure Overview

This Procedure outlines Hireyu 's management of Misconduct or Serious Misconduct of Employees in accordance with the provisions of relevant legislation, agreements, and contracts of employment.

4 Procedures

4.1 Investigation

Prior to initiating any action in accordance with 4.2 through 4.5, Hireyu will make every effort to resolve instances of possible Misconduct or Serious Misconduct through guidance, counselling or other appropriate action. If the concerns are not able to be resolved, then Hireyu may undertake an initial investigation process to establish whether a Complaint can be reasonably substantiated or clarified with no need for further action.

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Delegates and Employees have an obligation to advise of any perceived, potential or actual Conflict of Interest that may undermine the application of natural justice and procedural fairness.

The investigation process will be conducted in accordance with the principles of natural justice and procedural fairness and may include questioning other individuals who may be involved in, or observed, the incident in question. Where there is a reasonable suspicion of Serious Misconduct having occurred, discussions will occur with HR or a Director Director to ascertain where notification to the Crime and Corruption Commission is required.

Where HR or a Director determines that there is a case of Misconduct or Serious Misconduct to answer, then the process in 4.2 will be initiated. Where HR or a Director determines that there is no case of Misconduct or Serious Misconduct to answer, there will be no further action taken by Hireyu.

In some circumstances a Complaint under this Procedure may also be regarded as a matter that requires attention under the Public Interest Disclosure Policy.

With the exception of Complaints that are made in accordance with Hireyu 's Public Interest Disclosure Policy, Hireyu will not normally investigate anonymous Complaints unless the issues raised within the Complaint are of a serious nature and sufficient information is provided.

4.2 Formal action

Any allegation of Misconduct or Serious Misconduct will be considered by HR or a Director. If HR or a Director believes such allegations warrant further investigation, HR or a Director will:

- notify the Employee in writing and in sufficient detail to enable the Employee to understand the precise nature of the allegations, and to properly consider and respond to them;
- require the Employee to submit a written response within 10 working days from the receipt of the letter.

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If the allegations are denied by the Employee, and HR or a Director is of the view that there has been no Misconduct or Serious Misconduct, HR or a Director will immediately advise the Employee, in writing, and may, by agreement with the Employee, publish the advice in an appropriate manner.

If the allegations are admitted in full by the Employee, and HR or a Director is of the view that the conduct amounts to Misconduct or Serious Misconduct, HR or a Director will advise the Employee, in writing, of HR or a Director's Decision and the operative date of the Disciplinary Action.

If the allegation is denied in part or in full, or if the Employee has not responded to the allegations, HR or a Director will refer the matter to an external investigator. HR or a Director decides to take no further action or counsel or censure the Employee for unsatisfactory behaviour and take no other action.

4.3 Suspension

At the time of notifying the Employee under 4.2, or subsequently, in exceptional circumstances HR or a Director may suspend the Employee on full pay, or may suspend the Employee without pay if HR or a Director is of the view that the alleged conduct amounts to Serious Misconduct such that it would be unreasonable to require Hireyu to continue the Employee's employment during a period of notice.

Where suspension without pay occurs at a time when the Employee is on paid leave of absence, the Employee will continue to receive a salary for the period of leave of absence.

The Employee may engage in external paid employment or draw on any annual leave or eligible long service leave credits during the suspension without pay.

HR or a Director may direct that salary be paid on the grounds of hardship.

Where a suspension without pay has been imposed and the matter is subsequently referred to an external investigator, HR or a Director will ensure that the investigator initially determines whether suspension without pay should continue. The investigator will provide advice as to whether the suspension without pay should continue.

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During any period of suspension the Employee may be excluded from Hireyu, provided that the Employee will be permitted reasonable supervised access to Hireyu campus and to request relevant documentation in order to prepare their response to any allegations of Misconduct or Serious Misconduct that has been made against them; and to collect or have personal property returned.

4.4 Misconduct Investigation

The external investigator is to report on the facts relating to the alleged Misconduct or Serious Misconduct, including whether any mitigating circumstances are evident.

Where a matter is referred to an external investigator, HR or a Director will engage the investigator within 10 working days, where practicable.

The investigator will be appointed from by HR or a Director from a reputable investigations agency.

The appointed investigator has an obligation to advise of any perceived, potential or actual Conflicts of Interest that may undermine the application of natural justice and procedural fairness.

The investigator who is considering allegations of Misconduct may, where they are convinced that the merits and facts of the particular case go substantially beyond those contained in the initial allegation, indicate that the allegation must be considered one of Serious Misconduct.

The Employee must be clearly informed, in writing, of which new matters the investigator considers may constitute Serious Misconduct and be given full opportunity to respond.

The investigator will:

- provide an opportunity for the Employee against whom the allegations are made to be interviewed by them and ensure that the Employee has adequate opportunity to answer allegations of Misconduct or Serious Misconduct, either in writing or in person;

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- consider such further materials as they believe appropriate to substantiate or otherwise the facts in dispute;
- interview any other person they see fit to establish the merits or facts of the particular case;
- ensure that the Employee, or their Nominated Representative, and HR or a Director or Delegate, or Nominated Representative, have the right to make submissions, present and challenge evidence and ask questions of interviewees (where appropriate);
- conduct the investigation as expeditiously as possible consistent with the need for fairness;
- keep a taped record of any interview conducted during the investigation which will be available on request to the Employee or HR or a Director; and
- make the report available to HR or a Director and the Employee within 10 working days following the conclusion of the investigation.

At any stage during the investigation, the Employee may be represented by a Nominated Representative. HR or a Director or Delegate may also be represented by a Nominated Representative.

4.5 Report to HR or a Director

On receipt of the investigation report, and having considered the findings on the facts related to the alleged Misconduct or Serious Misconduct, HR or a Director may take Disciplinary Action.

If HR or a Director is of the view that there has been no Misconduct or Serious Misconduct,

HR or a Director will immediately advise the Employee in writing, and may, by agreement with the Employee, publish the advice in an appropriate manner.

Where an Employee has been suspended without pay pending the Decision HR or a Director, any lost income will be reimbursed if there was no Misconduct or Serious Misconduct. However, a Decision taken by HR or a Director, at HR or a Director's discretion, not to dismiss or impose another penalty, will not be construed as an admission that there was no conduct justifying suspension without pay.

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5 Delegated Responsibilities

Approver	Level of Delegation
HR representative or a Director	Decision (after considering the investigation report)
External Investigator	Determination

Grievance Policy

Document no. 110-POL-GP-0124

Date: 10th January 2024

Phillip Green



Director
Hireyu

Dale Tate



Director
Hireyu

Hireyu Grievance Policy

Purpose

The intent of this policy is to provide a process for the quick and effective resolution of workplace grievances. Grievance resolution is the process by which solutions are sought in response to an employee complaining or expressing concerns about (or perceptions of) problems in the workplace.

Scope

This policy applies to all employees of Hireyu.

Policy and procedures

General provisions

Hireyu has developed procedures for the resolution of complaints, grievances or problems raised by employees, where the complaints relate to work, the work environment or working relationships. These procedures emphasise a collegial approach to grievance resolution through informal procedures and mediation and are designed to lead to a prompt and fair resolution of difficult problems.

Hireyu and employees concerned are entitled to fair treatment in relation to these procedures.

While the parties to the grievance attempt to resolve the matter in accordance with this policy, work must continue as normal, other than with respect to bona fide health and safety issues, while the matter is being dealt with in accordance with this policy.

Common problems

Where two or more employees believe that they have an identical or common problem, they may take action together and the matter will be dealt with as a single grievance.

Where the employee and the agree, the time limits set out in this policy may be extended.

Informal grievance resolution

Attempt informal resolution first

Employees and Hireyu are encouraged to attempt informal grievance resolution prior to resorting to a more structured process.

This informal process does not require documentation. However, supervisors should make sufficient notes if they participate in the process.

Who should the employee contact?

Ideally, an employee raising a grievance should try to resolve the matter with the person against whom the grievance exists. Where the grievance is in relation to a process, and does not involve another person, the

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employee should involve the immediate supervisor. Either party to the grievance may choose to involve the supervisor to facilitate resolution at this informal level.

Where the matter is related to conditions of work (eg, workload), the employee should attempt to resolve the matter with the employee's supervisor, in consultation with the supervisor's manager. Where the supervisor is involved to facilitate resolution, the grievance may be lodged by the complainant verbally, or in writing. If in writing, it must be signed and dated.

Resolution process

Parties to the grievance should endeavour to:

- amicably discuss the matter;
- identify all perspectives of the issue at hand; and
- come to a mutually agreeable conclusion.

Outcome of resolution process

A successful outcome to an informal grievance process consists of all parties having had an opportunity to present their stories, consensus by all on the decisions made and any provisions for resolution of the grievance. The parties should feel capable of work together in a professional capacity.

If resolution is not achieved at the informal stage because:

1. the grievance is of a more complex nature;
2. the parties believe the informal process is not appropriate; or
3. the complainant feels uncomfortable about approaching the subject of the complaint,

then, formal grievance resolution should be undertaken.

Formal grievance resolution

Similar to the informal process, formal grievance resolution entails meetings and discussions between involved parties, facilitated and documented by management, to achieve grievance resolution.

Stage 1: Supervisor conciliation

Raising a grievance

In most instances, an employee who is raising a grievance (complainant) should first raise that grievance with the immediate supervisor (immediate supervisor). If the grievance is in relation to the immediate supervisor, the employee should raise the grievance with the supervisor's manager, and the process should escalate immediately to Stage 2: Management level conciliation.

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The supervisor will determine the most appropriate process or intervention to manage a grievance. In making such determination, the nature of the grievance and the interests of all parties will be considered.

Lodgement of grievance

A formal grievance must be lodged in writing, containing sufficient information to allow the complaint to be assessed. The employee can access support from the immediate supervisor or manager or other person of the employee's choice to write the grievance documentation. It must be signed and dated. Where there is more than one complainant, each must sign the document.

Negotiation

The immediate supervisor should then discuss the matter with the parties and other relevant individuals and attempt to informally negotiate a satisfactory solution. The immediate supervisor may elect to have one-on-one discussions, or to arrange a meeting of the relevant parties, depending on the nature of the grievance.

The supervisor may involve the for consultation or to manage the grievance process, if the supervisor deems this appropriate.

Documentation

The immediate supervisor must take sufficient notes to identify the nature of the complaint and the outcome of the process. When the situation has been resolved, all documentation should be provided to the for record keeping.

Resolution

Resolution may include general discussion and conciliation, or may involve action such as staff training, changing office seating arrangements, transferring staff, or reallocating work responsibilities.

At the resolution stage of the grievance, the supervisor must ensure that all parties are advised of the outcome. This communication should, where possible, take place in person. It may be appropriate for such outcomes to also be documented in writing to all parties.

Where a grievance cannot be resolved in this stage, it is to be referred to the immediate supervisor's manager (manager), who should work to resolve the matter.

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Stage 2: Management level conciliation

The grievance should be referred to the manager, who should work to resolve the matter. The same steps as Stage 1: Supervisor conciliation should be followed.

The manager must notify the immediately upon a grievance being progressed to stage 2.

will be made available to provide advice to managers and employees involved in the grievance process.

Stage 3: Escalated conciliation

Where the grievance cannot be resolved at Stage 1: Supervisor conciliation or Stage 2: Management level conciliation, the manager involved in stage 2 must advise the complainant that the complaint will be referred to the .

The manager must provide the with all relevant documentation on the grievance, together with a written report signed and dated by the manager, outlining the steps that have already been taken to resolve the matter.

The will consider a range of options to resolve the grievance and may involve external agencies, such as a qualified investigator or mediator or both, in this process.

The has responsibility for managing the successful conclusion of this process.

Timeframe for grievance resolution

Grievances should be addressed in a timely manner.

Each stage should provide for a timeframe of at least working days. The immediate supervisor should advise the parties to the grievance of the specified resolution timeframe at the commencement of the resolution process if it is to be longer than working days. If an extension to the prescribed timeframe is required due to the complexity of a grievance, this must be negotiated and communicated to all parties.

Roles and responsibilities

Complainant

In electing to lodge a grievance, a complainant accepts the responsibility to seek and support resolution of the issue or issues, and to cooperate with the process. A complainant must be prepared to provide evidence of the assertions.

A complainant may withdraw a grievance at any time. Written grievances should be withdrawn in writing and the person responsible for that stage of the resolution process must be advised. All parties to the grievance will be advised by the immediate supervisor, manager or relevant department (as appropriate) that the grievance has been withdrawn.

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The following rights apply to a complainant:

1. the complainant must not be victimised for lodging a grievance;
2. the complainant must be able to nominate own witness or witnesses if there is an internal or external investigation into the complaint;
3. the complainant must have the right to seek the support and advice of a support person, occupational health and safety representative, friend or colleague; and
4. the complainant may have an interpreter present at an investigation interview if required.

If, at any stage of the grievance resolution process, Hireyu is satisfied that a grievance is frivolous, vexatious, misconceived or lacking in substance, the complaint may be dismissed. A finding that a complaint has been made frivolously or vexatiously may lead to disciplinary action against the complainant under Hireyu's .

Subject of the complaint

The subject of the complaint must have a commitment to seek and support resolution of the issue or issues and cooperate with the process.

The following rights apply to the subject of the complaint:

1. the subject of the complaint must not be victimised for being the subject of a grievance;
2. where some sense of culpability may be attached to the grievance, the subject of the complaint will be treated as innocent until proven otherwise;
3. the subject of the complaint is able to nominate own witness or witnesses if there is an internal or external investigation into the complaint;
4. the subject of the complaint must have the right to seek the support and advice of a support person, occupational health and safety representative, friend or colleague; and
5. the subject of the complaint may have an interpreter present at an investigation interview if required.

Immediate supervisor

An immediate supervisor is responsible for:

1. receiving the grievance (either written or verbal);
2. coordinating and facilitating the resolution of the grievance;
3. advising the parties of their rights, obligations and the process as outlined above;
4. communicating regularly with the parties on the process and progress of the grievance;
5. maintaining an appropriate level of documentation which should be kept in a confidential file in secure storage;
6. notifying immediately upon a grievance being progressed to Stage 2: Management level conciliation;
7. ensuring that the grievance resolution timeframe is adhered to or, if this is not possible, an alternate timeframe is to be negotiated with all parties; and
8. ensuring that the principles of natural justice and procedural fairness are applied to the resolution of all employee grievances.

In relation to 7.3(a), above, each affected party must have the opportunity to answer, or otherwise deal with, any matter which is raised against that party. Where concerns relating to bias or conflict of interest are raised

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by a party to a grievance, Hireyu is obliged to consider the issues that have been raised. The basis of the decision arising from consideration of the issues is to be communicated to the parties.

Confidentiality

Confidentiality means that, apart from the supervisor or manager involved, the only persons entitled to information about a grievance will be:

1. the complainant;
2. the subject of the complaint; and
3. others to whom the matter may be referred as part of the resolution process.

When dealing with a grievance, immediate supervisors and managers must ensure that all parties are aware that confidentiality must be maintained at all times.

A breach of confidentiality may result in disciplinary action under Hireyu's .

Documentation

The management and resolution of grievances must be documented appropriately. Documentation should:

1. describe clearly and concisely the process;
2. describe clearly and concisely the grounds on which decisions have been made; and
3. be dated and signed by relevant parties.

Record keeping

All documentation associated with a grievance and a formal grievance resolution process will be kept in confidential files. These shall be kept separately from the personnel files of both the complainant and the subject of the complaint. Only when a complaint results in disciplinary action or involves substandard performance will any relevant grievance information be placed on a personnel file. If such documentation is to be placed on a personnel file, the immediate supervisor or manager must advise the employee.

Further information

If you required further information, please speak with your manager.

Whistleblowing Policy

Document no. 109-WB-SD-0124

Date: 4th January 2024

Phillip Green



Director
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Director
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Whistleblowing Policy

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Whistleblowing Policy

1.0 Introduction

- 1.1 Hireyu has developed this Whistleblowing Policy to demonstrate its commitment to open and accountable management. This policy is designed to allow staff to disclose information that they believe shows malpractice, unethical conduct or illegal practices in the workplace, without being penalised in any way. This includes protecting staff from any detriment or discrimination if they do report (ie 'blow the whistle on') improper or illegal conduct within the organisation.
- 1.2 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage any member of staff to seek advice before reporting a concern to anyone external. Australian Securities and Investment Commission (ASIC) has information on it's website regarding Whistleblowing and legal protections.
- 1.3 Hireyu is committed to maintaining an open culture with the highest standards of honesty and accountability, where staff can report as soon as possible any legitimate concerns in confidence in every area of its operation. This policy reflects the legal protection given to staff under Australian law; however, Hireyu recognises the importance for these same standards to apply wherever Hireyu works in the world.
- 1.4 This policy applies equally to all employees, officers, consultants, contractors, volunteers, casual workers and agency workers of Hireyu regardless of seniority or length of service.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2.0 Scope and definitions

- 2.1 This Whistleblowing Policy is intended to allow concerns that relate to suspected wrongdoing or danger at work to be reported if they are reasonably believed to be in the public interest. They may be investigated separately, but might then lead to the instigation of other Hireyu policies and procedures, for example the Code of Conduct, Disciplinary Policy or Discrimination and Harassment Policy. Examples of such concerns (which are not exhaustive) might include:
 - A criminal offence
 - The breach of a legal obligation or regulatory requirement
 - A miscarriage of justice
 - A danger to the health and safety of any individual
 - Damage to the environment
 - Bribery or financial fraud

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- Unethical conduct (including the use of sex workers)
- Deliberate attempt to conceal any of the above

2.2 If a member of staff fails to notify Hireyu when certain of an occurrence included in, but not limited to, the list of categories of disclosures stated on section 2.1 above, it may be regarded by Hireyu as misconduct.

2.3 It may be more appropriate for a particular concern to be raised by way of another policy or procedure (for example Hireyu Code of Conduct or Anti Bribery and Corruption Policy) and not under this Whistleblowing Policy. In particular, this policy should not be used for complaints relating to a member of staff's personal circumstances, such as the way they have been treated at work. In those cases staff should use the Grievance Procedure. If any member of staff has any concerns as to which policy the disclosure should be made under, they should check with HR.

2.4 Definitions

Whistleblowing is when a member of staff raises a concern relating to any of the matters above at 2.1. Officially this is called 'making a disclosure in the public interest'.

Protected Disclosure is a disclosure of information that the member of staff reasonably believes tends to show malpractice. As a member of staff, you are protected from suffering any detriment as a result of your 'disclosure'.

The Global Whistleblowing Policy is designed to enable an employee to report inappropriate behaviour that is not specifically directed at them personally.

The **Anti Bribery and Corruption Policy** is specifically concerned with intentional acts of dishonesty and deception. If an issue reported under the Whistleblowing Policy is deemed to be corruption, it will also be forwarded to the individuals named under the Anti Bribery and Corruption Policy.

Confidentiality is an express term in the contract of employment, stating that an employee or member of staff will not disclose confidential information that concerns Hireyu. However, where a member of staff discovers information that they believe shows malpractice, unethical conduct or illegal practices within Hireyu, then the option to disclose the information independently of line management and without fear of reprisal for breach of confidentiality is made available under this Whistleblowing Policy.

Whistleblowing Policy

3.0 Principles

- 3.1 This policy offers guidance and protection to those members of staff who disclose a whistleblowing concern. Hireyu's aim is that the wellbeing of any member of staff should not in any way be harmed as a result of that protected disclosure, whether the item reported proves to be true or not, provided the reporting was carried out in good faith.

Subjecting any member of staff to a detriment because of a protected disclosure, including a member of staff who has been investigated as part of the disclosure, may be regarded as gross misconduct which will result in disciplinary action. A detriment includes dismissal, disciplinary action, threats or other unfavourable treatment.

- 3.2 Hireyu undertakes to protect any member of staff from any personal claims and from any detriment, victimisation, harassment or bullying as a result of their disclosure.
- 3.3 Hireyu undertakes to comply with all applicable laws relating to the prohibition of retaliation against good-faith whistleblowers who raise issues of concern.
- 3.4 This policy is not designed to support a member of staff who wishes to question financial or business decisions that have been taken by Hireyu; nor should it be used to seek reconsideration of matters which have already been addressed under other Hireyu policies (eg Bullying and Harassment Discrimination Policy or Disciplinary Policy).
- 3.5 In most cases, whistleblowing claims need to be made promptly and at the latest within the three-month period following the date of the act complained of. Limited exceptions may apply in particular circumstances only.

4.0 Confidentiality of concerns raised

- 4.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, Hireyu will treat all disclosures in a confidential and sensitive manner. As part of this, the identity of any member of staff making an allegation may be kept confidential so long as it does not hinder any investigation. However, the individual making the disclosure may need to provide a statement as part of the evidence gathering process and their identity may be revealed or implied as part of the investigating process.

If a criminal investigation follows, the member of staff may be needed as a witness. If this occurs, HR will notify the member of staff at the earliest opportunity.

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5.0 Anonymous disclosures

- 5.1 This policy encourages staff to put their name to any disclosure they make. Concerns expressed anonymously are less powerful and may be less easy to investigate; however, they will be considered and reviewed at Hireyu' discretion.
- 5.2 In exercising this discretion, the factors taken into account will include:
- The seriousness of the issues raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources.
- 5.3 Staff who are concerned about possible reprisals if their identity is revealed should come forward to an HR Business Partner or one of the other contact points listed in section 9 of this policy and appropriate measures can then be taken to preserve confidentiality.

6.0 Untrue allegations

- 6.1 If a member of staff makes a genuine allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against them. If, however, they make malicious or vexatious allegations, particularly if they persist with making them, then disciplinary action may be taken against the individual concerned under the Disciplinary Policy.

7.0 Procedures for making a disclosure

- 7.1 For locations outside of Australia, any local employment law requirements in relation to whistleblowing, over and above this policy and procedure, should also be applied. If in doubt, seek advice from your HR.
- 7.2 If a member of staff believes that a matter or practice within the scope of this policy (section 2.1) is or has been taking place, they should make the disclosure immediately to their line manager. If the matter or practice is more serious and/or concerns the line manager then it should be reported to HR or to a Director. Staff may also report their concerns confidentially to pg@hireyu.com which will be received the director.
- 7.3 There is no specific method that staff should use to make a disclosure; they can use email, telephone or post, for example. Any reasonable personal expenses incurred in making the disclosure can be claimed as a reimbursable business expense.

Whistleblowing Policy

- 7.4 An investigation will then take place into the alleged matter or practice. This may involve meeting with the member of staff to discuss concerns. When disclosing any concerns, the member of staff would not be expected to have absolute proof of malpractice illegal practices, but would need to show the sound reasons for their concerns.
- 7.5 Once a protected disclosure has been received it will be referred to HR who will report it to the relevant senior management team member as appropriate, giving details of the protected disclosure, including:
- Date and substance of the protected disclosure
 - Identity and level of seniority of the alleged wrongdoer(s)
 - Level of risk associated with the alleged wrongdoing.
- 7.6 HR and the Directors will decide whether sufficient information exists to allow the allegation(s) to be investigated and, if so, the appropriate process to determine:
- The nature and scope of the investigation
 - Who will lead the investigation (that person may be external to Hireyu)
 - The nature of any technical, financial or legal advice that may be required
 - A timeframe for the investigation (paying regard to the level of risk)
 - Whether any individual(s) under investigation should be suspended.

They will also consider the appropriate time to inform any alleged wrongdoer(s) of the investigation process. We will also aim to keep the member of staff who raised the concern informed of the progress of any investigation and its likely timescale. However, sometimes the need for confidentiality may prevent Hireyu giving specific details of the investigation or any disciplinary action

8.0 Possible outcomes

8.1 Possible outcomes of the investigation may include:

- No further action
 - Disciplinary action (and a transfer to the Disciplinary Policy)
 - Further investigation by an external authority.
- 8.2 Note that that cases relating to suspected criminal activity, including but not limited to fraud, would be reviewed by the Directors and HR to decide whether they should be referred to the police or other relevant body.
- 8.3 While we cannot always guarantee the outcome any whistleblower is seeking, we will try to deal with their concerns fairly and in an appropriate way. However, if the discloser is unhappy about the outcome of an investigation, they should make a further report to HR outlining their concerns. If there is good reason to do so, and particularly if there is new evidence, the concern will be investigated again.

Whistleblowing Policy

9.0 Who to contact

9.1 Hireyu Directors:

Phillip GREEN Email:PG@hireyu.com

Dale Tate Email:DT@hireyu.com

9.2 Australian Securities and Investment Commission (ASIC)

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

9.3 Relevant local Police Service:

FITNESS FOR-WORK POLICY (including D&A testing)

Document no.106-POL-FFW-1223

Date: 2nd January 2024

Phillip Green



Director
Hireyu

Dale Tate



Director
Hireyu

FITNESS FOR-WORK POLICY (including D&A testing)

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FITNESS FOR-WORK POLICY (including D&A testing)

1 GENERAL INFORMATION

1.1 Purpose

Hireyu is committed to providing a safe working environment and eliminating conditions and work practices that may lead to illness or personal injury, damage to equipment or other property. All persons employed by or engaged in work with Hireyu, is expected to behave responsibly and present themselves for work in a fit and healthy state.

1.2 Scope

This policy sets out the Hireyu standards to ensure all personnel are able to present fit for work. It includes the standards by which persons recognise the health and safety risks associated with:

- Use of recreational and prescription drugs and / or alcohol
- Possible physical or psychological impairment in the workplace.

This policy applies to all person's engaged by Hireyu including workers, subcontractors, vendors and visitors to Hireyu controlled sites and offices during working hours and to any monitored activities outside of working hours, to the extent that these activities impact on a person's fitness for work. Notwithstanding the information and standards in this policy, all persons engaged by Hireyu in any capacity, is also required to adhere to the policies and procedures of the company/organization in charge of the worksite.

1.3 Objective

The objectives of this policy are to:

- Ensure personnel who are deemed unfit for work as a result of fatigue, heat stress, alcohol or other drug use above the prescribed levels described in this policy are managed consistently and fairly in accordance with this policy
- Provide a safe working environment by minimising risks associated with fatigue, heat, stress and the use of alcohol and other drugs above the prescribed levels described in this policy
- Provide assistance through a range of preventative initiatives including self-testing and educational and rehabilitative measures to help project personnel overcome alcohol and other drug consumption issues
- Ensure that Hireyu meets its obligations to its workers, subcontractors and the general public to carry out its operations safely, and
- Set out the requirements of this policy so that all personnel are aware of what is expected of them and how they can expect to be treated.

1.4 References

This policy is based on the requirements of:

- Hireyu Fitness For Work Policy (106-POL-FFW-1223)
- AS / NZS 4308 Procedures for specimen collection and the detection and quantitation of drugs in urine
- Performance Improvement Procedure (104-POL-PIP-1223), and
- Privacy Act 1988.

FITNESS FOR-WORK POLICY (including D&A testing)

1.5 Definitions

The following definitions and interpretations are applicable to this document:

Term	Meaning
Collector	Certified, trained and authorised person responsible for the collection of urine samples for drug testing purposes.
Confirmatory Test	A laboratory test using methods described in Australian and New Zealand Standard AS / NZS 4308 by a NATA accredited laboratory that accurately confirms and quantifies the presence of drugs in a urine sample.
Disciplinary Action	Action taken by a member of Hireyu’s Management in addressing issues of serious misconduct or contravention of the FFW Policy or policy. (Refer also to the Performance Improvement Procedure (104-POL-PIP-1223).
Drug	A substance listed or classified in section 6.16 of this policy.
Fatigue	Physical and/or mental exhaustion that can be triggered by stress, medication, over-work, or mental and physical illness or disease.
Fit for Work	Means that a person is in a physical, mental and emotional state that enables them to perform assigned tasks competently and in a manner that does not compromise or threaten the safety of themselves or others.
Manager	For the purpose of the policy and its application, the “Manager” shall be deemed to be the Project / Construction Manager or the attending Corporate Senior Executive Manager.
Non Negative Result	Has the same meaning as a positive test result.
Positive Test for alcohol	A Breath Alcohol Content (BrAC) greater than 0.00%.
Positive Test for drugs	A urine test that exceeds the cut off levels outlined in AS / NZS 4308.
Screening Test	An initial test method used to indicate the possible presence of alcohol and / or drugs.
Worker	For the purposes of this policy, a Worker refers to any employee, subcontractor or vendor employed or engaged by Hireyu.
Work Period	The number of hours worked during the time period spanning 24 hours form when work commenced. A new work period commences whenever work commences after a previous period has ended, whether or not it is the same job.

FITNESS FOR-WORK POLICY (including D&A testing)

Term	Meaning
Zero Drug and Alcohol Area	All Hireyu offices, workshops, worksites and depots.

1.1 Abbreviations and Acronyms

Acronym	Meaning
BrAC	Breath Alcohol Content.
EAP	Employee Assistance Program
FFW	Fitness For Work
HRIS	Human Resource Information System
OHS	Occupational Health and Safety
PC	Principal Contractor
PCBU	Person Conducting a Business or Undertaking
ug/l	Micrograms per litre
WHS	Workplace Health and Safety

2 ROLE RESPONSIBILITIES

2.1 Hireyu Management Team

- Actively support the implementation of this policy, and
- Authorise company social functions and the provision of alcohol at those functions.

2.2 Head of HSE

- Conduct reviews to ensure this policy is applied fairly and consistently
- Conduct fatigue management audits and inspections
- Authorise instances in which “for cause” testing can be waived following a health, safety or environmental incident, and
- Provide technical advice on implementing this policy and associated guidelines.

2.3 Site Manager

- Ensure this policy is understood, applied and observed across the site
- Initiate drug and alcohol testing program including any random testing or for cause

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- Direct the removal of any person from site for failure to comply with the requirements of this policy
- Immediately notify the Hireyu Head of HSE or delegate of a potential positive test result being received
- Ensure all prospective project personnel, including subcontractors, are advised of the requirement to comply with this policy
- Ensure Supervisors and Managers are provided with training / support and advised on how to recognise and respond to FFW issues, and
- Initiate disciplinary action as required

2.4 Site OHS Manager

- Provide ongoing FFW advice and support to all Site personnel
- Ensuring this policy is applied fairly and consistently
- Conducting fatigue management audits and inspections
- Maintaining the calibration and integrity of the breath analysis units
- Ensure results of any positive tests are kept confidential and are acted upon
- Coordinate testing including any random testing within the respective sites
- Ensure any known medical conditions including use of prescribed drugs are recorded
- Ensure all site personnel have knowledge of the nature and requirements of this policy
- Provide leadership on fitness for work, including providing implementation support and access to specialist fatigue advice, and
- Provide technical advice on implementing this policy and associated guidelines.

2.5 Supervisors and other Managers

- Adhere to this policy and ensure that all persons in their area of responsibility understand and conform to the requirements of this policy
- Ensure that persons who seek assistance for any health matter, including fatigue, and the effects of alcohol and other drugs, will be supported and that all employment rights will be safeguarded, and
- Assess the fitness for duty of persons under their control at the start and throughout each work period.

2.6 Person Conducting the Drug and Alcohol Testing

- Undertake testing in accordance with this policy and the nominated Australian Standards
- Ensure qualification to conduct testing is current
- Use independent testing laboratory accredited by NATA for confirmation drug testing
- Provide FFW related advice and information consistent with this policy and individual qualifications
- Ensure any known medical conditions including use of prescribed drugs are recorded
- Maintain confidentiality as required by this policy and the Privacy Act, and

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- Make decisions, based on advice, regarding whether use of prescribed medications constitute positive results, and decide when a result will not be recorded as a positive test if in their judgement the result arose solely because the individual was using a prescribed medication for bona fide health reasons.

2.7 Individual Workers / Visitors

- Act in a responsible manner and present for work in a fit and healthy state, including self-assessment of fitness for work
- Act in a safe manner at all times and to take appropriate action to prevent any risk to the health and safety of others or themselves, and to equipment and the environment
- Undergo FFW testing as and when required under this policy
- Commit to maintaining a drug and alcohol free workplace below the prescribed levels described in this policy
- Not engage in work when fatigue or other FFW element is likely to pose a safety risk to themselves, others, equipment or processes
- Understand how work and non-work factors can contribute to fatigue, and implementing treatments to eliminate or mitigate fatigue, and
- Identifying and immediately reporting on any FFW related risks and incidents, and any procedural inadequacies related to FFW management.

3 COMMUNICATION AND EDUCATION OF THIS POLICY

At the pre-employment / engagement stage all potential employees and subcontractors are provided with a copy of this policy and the Hireyu FFW Policy (106-POL-FFW-1223). Employment contracts and subcontractor agreements all include reference to this policy and require acknowledgement (by signature) and acceptance of random and for cause alcohol and drug testing.

Beyond that stage employees and subcontractors receive information regarding this policy and Hireyu's FFW requirements during site specific inductions. Visitors are informed of the site FFW requirements during their site specific visitor induction. All personnel are required to acknowledge (by signature) understanding of FFW requirements at the completion of their site specific induction or by completing the online induction questionnaire. This acknowledgement emphasises that submitting to drug and alcohol testing is not only a condition of employment / engagement it is also a site entry condition.

Further awareness training on the health and safety risks associated with fatigue, heat, drugs, alcohol and physical and psychological impairment shall be provided periodically via either prestart / toolbox training sessions or speciality training programs delivered by suitably experienced and qualified persons.

Additional copies of this policy shall be made available to all personnel upon request to the Site Manager, OHS Manager or alternately via a Human Resources representative.

The Hireyu's FFW Policy (106-POL-FFW-1223) shall be displayed on the appropriate noticeboards and is also available on the Hireyu company website www.hireyu.com.pg.

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4 FATIGUE

Fatigue can be associated with physical or mental exertion, environmental conditions, inadequate sleep, use of prescription or non-prescription medications, medical conditions, alcohol consumption, shift length and rest breaks, travel distance and diet. Managing fatigue is one of the components of Hireyu’s FFW program.

Fatigue management is a responsibility to be shared by management and workers. There are four stages of Hireyu’s fatigue management process:

1. Identify fatigue related risks
2. Analyse, evaluate and assess fatigue related risks
3. Treat and control fatigue related risks, and
4. Monitor and review fatigue related risks.

It is recognised that a person can cause harm to themselves or others due to fatigue. If a worker believes that they are suffering from fatigue and could be placing themselves or others at risk, they must immediately report this to their supervisor or manager. The supervisor or manager shall immediately take steps to manage the risk to a reasonable level. Supervisors and managers have a duty to manage the risk of the potential onset of fatigue.

4.1 Signs and Symptoms

Signs and symptoms of fatigue can typically be grouped into three categories: physical, mental and emotional:

Physical	Mental	Emotional
Yawning	Difficulty concentrating	More quiet than usual
Heavy eyelids, eye rubbing	Lapses in attention	Withdrawn
Sore / bloodshot eyes	Difficulty remembering what you are doing	Increased stress levels
Sluggish appearance	Failure to communicate important information	Reduced motivation
Blurred vision	Failure to anticipate events or actions	Lacking energy
Head dropping, micro sleeps	Risk taking behaviour	Anxiety, irritability, decreased tolerance
Not feeling refreshed after sleep	Disorganisation	Depression, mood disturbances
Reduced performance	Lack of situational awareness	Emotional outburst
Slower reaction time	Accidentally not completing a planned task.	Aggression, rage.
Impaired hand – eye coordination		
Headache.		

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4.2 Causes of Fatigue

There are many factors that have the potential to increase the risk of fatigue including:

- Poor accommodation facilities that are non-conducive to sleep
- Excessive hours spent travelling to and from work can extend the length of a shift or reduce the time available for sleep and recovery between shifts
- Inadequate rest breaks during shifts and inadequate recovery between shifts
- Extended roster length or shift duration (i.e. more than 12 hour shifts)
- Working at high risk times including midnight to 6am, first night shift, early hours of the day shift, end of roster, change of roster, commuting to and from work
- Time of work i.e. day shift or night shift
- Type of work and workload, i.e. physically demanding, mentally draining, repetitive, monotonous
- Irregular and unpredictable work schedules
- Potential exposure to hazards – extended hours of work and exposure need to be considered in assessing risks associated with these kinds of hazards
- Sleep – sleep loss, day time sleep resulting in disruption to circadian rhythm, long periods awake, poor sleep quantity (less than eight hours) and quality sleep
- Excessive drinking of caffeine or alcohol and over use of prescription or other drugs
- General health, age, gender, medical conditions (e.g. diabetes, hypertension)
- Poor diet and limited exercise
- Family life, social commitments, family responsibilities, relationship difficulties, and / or
- Individual lifestyle choices – going to bed late resulting in reduced sleep.

4.3 Consequences of Fatigue

Certain levels of fatigue are a natural response to everyday living. High levels of fatigue can be detrimental to the worker, Hireyu and the community. The table below outlines potential consequences of fatigue.

	Individual	Project	Community
Biological	Increase in: <ul style="list-style-type: none"> • Sleepiness • Lethargy • Nodding off • Medical health problems Decrease in: <ul style="list-style-type: none"> • Alertness • Reaction time • Hand-eye coordination 	Increase in: <ul style="list-style-type: none"> • Sick leave • Incidents • Injuries • Absenteeism 	Increase in: <ul style="list-style-type: none"> • Use of medical facilities and allied services

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	Individual	Project	Community
Psychological	Increase in: <ul style="list-style-type: none"> • Stress • Mood swings Decrease in: <ul style="list-style-type: none"> • Motivation • Vigilance • Decision making ability • Cognitive function • Attention • Concentration • Short term memory. 	Decrease in: <ul style="list-style-type: none"> • Morale • Communication 	Decrease in: <ul style="list-style-type: none"> • Flexibility • Security
Social / Domestic	Increase in: <ul style="list-style-type: none"> • Social alienation • Relationship problems Decrease in: <ul style="list-style-type: none"> • Communication 	Increase in: <ul style="list-style-type: none"> • Isolation 	Increase in: <ul style="list-style-type: none"> • Counselling • Childcare
Risk	Increase in: <ul style="list-style-type: none"> • Accidents whilst travelling to and from work • Error rates 	Increase in: <ul style="list-style-type: none"> • Health and safety risk 	Increase in: <ul style="list-style-type: none"> • Potential exposure to health and safety risk

Where an individual identifies that they are experiencing mental or physical fatigue, they must report this to their immediate supervisor / manager and advise of their capacity for continuing work safely. The supervisor / manager must then take appropriate steps to manage the issue through immediate amendments to either work tasks, working hours, work cycle schedule or remove the worker from duty. In all reported cases an individual FFW risk assessment must be conducted and recorded using the relevant Hireyu documentation. Any absences from work are to be taken in accordance with the workers' employment conditions.

Where any individual has reason to believe that one of their colleagues is suffering from fatigue, they are to inform that person and their supervisor / manager of their concerns.

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4.4 Fatigue Assessment

Fatigue related risks must be assessed for all project sites and activities based on:

- Fatigue related aspects identified, and
- Legal and other obligations identified.

Risk assessments must be conducted by competent personnel with relevant knowledge and experience. Experienced personnel inputs such as practical knowledge of required tasks, the environment and potential fatigue related errors or interactions is considered necessary for the fatigue risk management process.

Fatigue related risks must be recorded and tracked using the relevant project, site or activity hazard register. Risk must be reviewed and updated whenever changes take place that could potentially affect these risks.

Fatigue related assessments must consider how identified risk factors might interact with each other to increase fatigue related risks. Fatigue risks can be identified by assessing the nature of the work activity against known fatigue related factors as mentioned but not limited to the above table. Workshops, prestart meetings or other discussions with personnel, formal or informal can also generate invaluable data about current fatigue related risks.

4.5 Fatigue Risk Treatment & Control

Working conditions are to be determined during the tender and project start-up phase and are to be communicated at inductions, toolbox meetings and the like.

4.5.1 Training and Information

All personnel must undertake a site specific induction process and shall attend any fatigue management training / education on, but not limited to:

- Duties under the WHS Legislation for PCBU's, PC's and workers
- The potential hazards and risks of working while fatigued
- How to identify the signs and symptoms of fatigue
- Diet, nutrition and exercise
- Vehicle journey management, and how to identify and respond to fatigue while driving
- Services available to assist workers to cope and manage fatigue
- The obligations of persons to comply with this policy
- The importance of presenting to work in a FFW condition, and
- The impact of fatigue on home life.

4.5.2 Mandatory Risk Treatments

When planning work:

- Potential fatigue implications of resourcing and staffing levels must be considered
- Minimum scheduled break between consecutive work periods must be 10 hours
- Maximum amount of work for any individual in any 24 hour day, including all paid breaks and handover(s) must not exceed 12 hours unless the following requirements are met:
 - Authorization is granted for each event from the Site Manager
 - A minimum 10 hour rest break is provided prior to commencing the next work period, and

FITNESS FOR-WORK POLICY (including D&A testing)

- Planned and actual work hours for all personnel that are working under a fatigue risk management plan must be recorded and made available for analysis and / or audit as required
- Required breaks must be provided (and used appropriately) during any work period and breaks must not be missed in order to shorten a work period.

4.5.3 Hours of Work and Work Cycles

While project work cycles may vary, any extension beyond the standard work cycle shall require the Site Manager's Project authorisation and only when it can be demonstrated that an appropriate fatigue management strategy has been established for those personnel affected, i.e. risk assessment process.

Employees and sub-contractors who are rostered to work a nominal 10 hour shift are restricted to a maximum of 12 hours duty and shall have a minimum of 10 hours break before returning to work. In the case where this has to be extended due to extraordinary demands (e.g. breakdowns etc.), this shall only be permitted at the discretion of the Site Manager only when it can be demonstrated that an appropriate fatigue management strategy has been established for those personnel affected.

All personnel shall ensure they are adequately rested before commencing work.

Hours of work for all construction personnel shall be tracked for individuals and reported for each work cycle.

4.5.4 Camp Accommodation

Site accommodation (when provided) such as camps (but excluding private residences) must be designed and maintained to manage possible sleep disturbances (such as noise, vibration and interruptions by cleaners etc.). Efforts must be made to:

- Isolate sleeping quarters away from worksites used by others during sleeping times (dampening should be used where isolation is not possible)
- Light must be able to be blocked out from sleeping areas
- Make airflow and temperature controls available to personnel
- Set a cut off time for camp noise and activities (i.e. wet mess) to cease e.g. 9pm
- Limit wet mess bar hours of operation including closure at meal times to encourage healthy eating habits, and
- Allocate isolated rooms for any night shift workers with appropriate signage indicating which rooms are occupied by sleeping personnel.
-

4.5.5 On-call Considerations

Before starting a shift, personnel that have been on call must receive at least one of the following:

- A minimum of 8 hours non-work time in one uninterrupted block, in addition to the time off required to travel to and from the worksite
- Or a minimum of 11 hours of cumulated non-work time (not including time spent on call-outs or time off required to travel to and from the worksite)

FITNESS FOR-WORK POLICY (including D&A testing)

- In the event that the worker(s) do not get adequate recovery sleep before their scheduled next shift, the start time of the next shift must be extended until it is considered that adequate recovery have been obtained.

4.5.6 Heavy Vehicle Operations

Refer to the Hireyu Heavy Vehicle Operations Policy for detail on fatigue management for heavy vehicle operations.

4.5.7 Night Shift Work

It is critical for all personnel to understand that night shift works can disrupt a person's sleeping patterns and performance level. All personnel are responsible for ensuring that an adequate amount of sleep is achieved prior to presenting for work.

The commencement of any night shift works shall only occur with approval from the Site Manager and must also include the following control measures:

- Detailed activity HAZID or Risk Assessment taking into account the increased risks associated with night shift work, communication processes and emergency response management, and
- Isolated quiet accommodation (where personnel are staying in camps).

4.6 Monitoring and Review of Fatigue

4.6.1 Monitoring Fatigue

Monitoring programs may be established and maintained as but not limited to the following:

- Recording and reporting on the number of completed fatigue management assessments, and
- Prestart Forms to include fatigue declarations, completed prior to commencing work.

4.6.2 Fatigue Reporting

The following fatigue related issues must be recorded:

- Reports from personnel that they are or may be fatigued, or that someone else is or may be fatigued which results in one or more persons being stood down from work (e.g. a person reports having had insufficient sleep when presenting for a shift or during a shift and the supervisor decides to send them home)
- Any instance where personnel are required to work over 12 hours or in excess of 28 day roster, and
- Occasions where incident investigations have identified fatigue as the root cause or a contributing factor in an incident.

FITNESS FOR-WORK POLICY (including D&A testing)

5 PHYSICAL AND PSYCHOLOGICAL IMPAIRMENT

An example of physical impairment is illness. An example of psychological impairment is personal grief or depression.

5.1 Physical and Psychological Impairment Education

There shall be an education program that addresses:

- Information regarding this policy
- The obligations of persons to comply with the policy
- The importance of presenting at work in a fit condition
- The awareness, recognition, impact, and health and safety implications of physical or psychological impairment both at work and home, and
- The contribution of physical or psychological impairment to accidents and injury.

5.2 Physical and Psychological Impairment

It is recognised that a person can cause harm to themselves or others due to physical or psychological impairment. Where a worker becomes aware that they are suffering from a physical or psychological problem that could cause harm or problems to themselves or others, the following should occur:

- If a person suspects that they may be suffering from physical or psychological impairment and could be placing themselves or others at risk, they must immediately report this to their Supervisor / Manager.
- If a person has cause to suspect that another person is suffering from a physical or psychological condition which may affect their ability to safely carry out their tasks, then they should report this to a Supervisor / Manager, and
- The Supervisor / Manager shall immediately take steps to manage the risk,

A risk assessment process may be used to help determine if the impairment does not result in risk or harm to the worker or others. Such a risk assessment may require the involvement of a medical or occupational specialist, the worker in question and / or other site personnel as necessary.

5.3 Grief, Depression or Stress

Managers and supervisors should be prepared to manage situations where grief, depression, stress or some other psychological disturbance renders a worker unfit for work, mental health awareness and connector training will provided to assist managers and supervisors and workers to assist in being prepared to manage these situations. Mental health first aid trained personnel will also be available within each workplace as identified within the workplace first aid risk assessment.

If the situation arises that a worker expresses or shows signs of grief, depression or overwhelming stress, management must be prepared to offer assistance to the worker.

Such assistance should include providing details of Hireyu's available counselling services. This service is provided free of charge to workers and is completely confidential.

Transportation home should be offered for persons suffering from significant grief, depression or stress.

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6 DRUGS AND ALCOHOL

6.1 Pre-Employment Drug and Alcohol Testing

A drug and alcohol test may be required as part of an onboarding process. Where a positive test result for drugs or alcohol is returned the contract and offer of employment will be withdrawn.

Note in the event that prescription medication may contribute to a positive result being returned please refer to section 6.15 Medications of this policy.

6.2 Travel to and from the Work Sites and Accommodation

Only designated drivers shall be used to transport workers to and from the work sites in project vehicles and they shall have a BrAC limit of 0.00%. No alcohol shall be carried, opened or consumed in project vehicles.

6.3 Hireyu Vehicle and Employee Liability

Hireyu's vehicles are not to be driven by anyone who is under the influence of alcohol or other drugs above the limits prescribed in this policy. To the extent allowed by law, Hireyu will not accept liability for any damage to a company vehicle, injury to any person, or damage or injury to any third party, incurred while the driver of the company vehicle is in breach of this policy or of the law. If the company is held to be liable in such circumstances, Hireyu may seek reimbursement for costs relating to the breach / damage.

6.4 Company Functions

Alcohol may be served at company functions authorised by the Site Manager or Hireyu Management Team in accordance with the following guidelines:

- All legislative requirements in regard to the possession and consumption of alcohol must be observed (e.g. alcohol must not be served to intoxicated people or those under 18)
- Low strength alcohol beverages as well as non-alcoholic beverages must also be available in sufficient quantities
- Alcohol must be served only in responsible amounts
- A nominated Manager is given accountability for the function and takes steps to see that guidelines are observed, and
- Where a worker is suspected of being unfit to drive following the provision of alcohol by the company, the company shall provide alternate transport arrangements.

6.5 Possession

Personnel must not bring on to and / or have any alcohol or drugs in their possession or control at any Hireyu work area. Please see Section 8 on Disciplinary Action for consequences of such actions. The only exception may be for legal / prescription drugs required for a legitimate medical purpose. If these drugs have the potential to impair, the person must inform their Supervisor and the Site OHS Manager / Site Medical Advisor.

6.6 Drug Testing Process

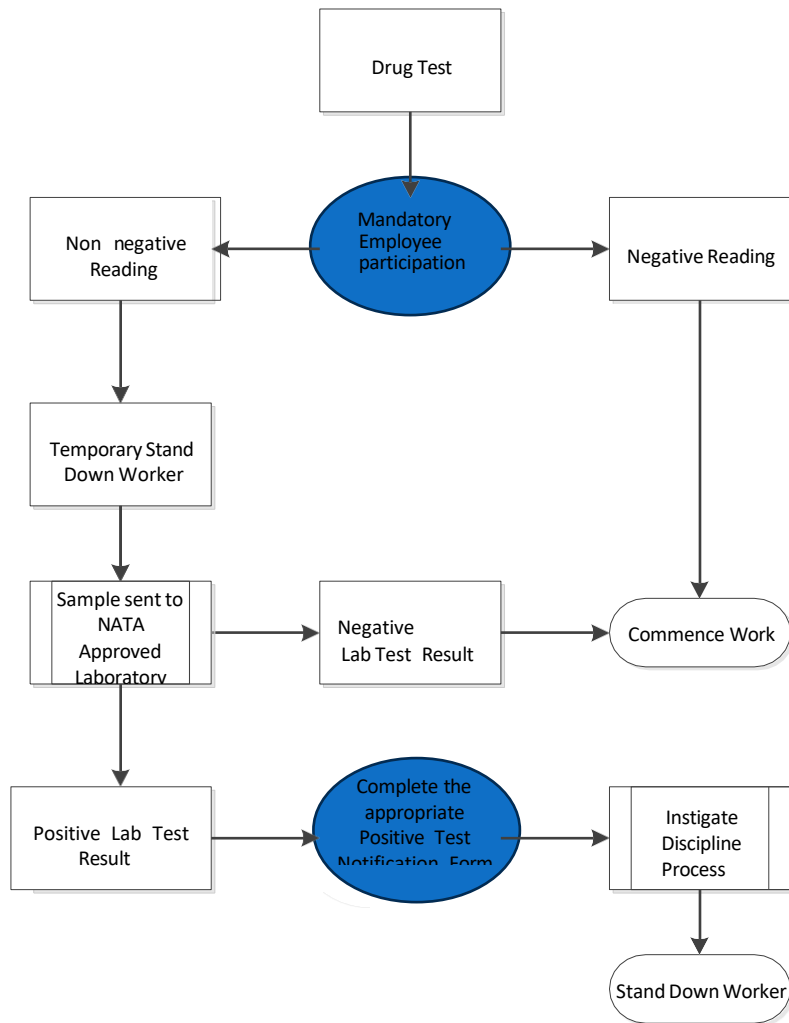
A certified, trained and authorised person (known as a Collector) shall be appointed to conduct random testing for drugs at Hireyu offices, workshops and sites. A person may be required at the company's discretion, to

FITNESS FOR-WORK POLICY (including D&A testing)

undergo a test for the presence of drugs due to:

- A health, safety or environmental incident has occurred or
- There is an “observed behaviour” as part of a “random testing” procedure, as part of a pre-employment FFW medical screening, or
- If there is other information or circumstances which make it reasonable for testing to occur.

Flowchart – Summary of Drug Test Procedure



NOTE: Stand Down Worker until disciplinary process is completed

6.7 Alcohol Screening Process

Screening for alcohol is conducted using only a calibrated breathalyser unit by a trained and authorised person.

Due to technology advances and public and industry concerns relating to privacy in drug and alcohol testing, various screening methods may be trialled to achieve the optimum in maintaining privacy and efficiency. Before any new screening method is introduced information on the proposal shall be provided to workers and their input sought as to the most appropriate method of implementation.

FITNESS FOR-WORK POLICY (including D&A testing)

6.8 Voluntary Testing

A calibrated breathalyser unit will be made available for voluntary testing at all Hireyu sites. Persons using this unit have a responsibility to immediately notify their Supervisor / Manager if they have a positive result for alcohol and are not to commence any work activity. There will be no disciplinary action for personnel who submit themselves for a voluntary test, provided:

- They do not commence any work activity
- Report their positive alcohol test result immediately, and
- They have not had multiple positive voluntary test results.

Given the more complex nature and protocols involved with drug testing, voluntary drug screening is not provided.

Personnel entitlements in respect to absence from work following a positive alcohol and non-negative drug test may be covered using sick or annual leave entitlements (where available) until a negative result is confirmed.

6.9 Test for Concern

Testing for substance use may be undertaken based on information received, or when there are reasonable grounds for concern that a person may be affected by substance use above the prescribed levels described in this policy.

“Reasonable grounds” include, but are not limited to:

- Erratic, unusual or dangerous behaviour
- Intoxicated behaviour
- Evidence of a reliable co-worker supported by the person’s Supervisor or a superior who both consider that the individual may be using / consuming unauthorised / illegal intoxicating substances
- Evidence of substance use is found in work vehicles or work areas where the appropriate leader is able to identify, with reasonable certainty, the person(s) involved, and / or
- Knowledge of the person’s recent activities.

Where reasonable grounds to test for concern exists the relevant Manager and Collector shall be notified immediately. The potentially affected worker shall be advised they are thought to be unwell / unfit for work and may be required to undergo individual testing for the presence of unauthorised / illegal intoxicating substances above the prescribed levels described in this policy.

The potentially affected worker to be tested should be invited to have a support person of their choice present during these proceedings and during any associated discussions.

Prior to any alcohol and drug testing taking place the relevant documentation must be completed by the manager

6.10 Testing Following an Incident – “Test for Cause”

Following any health, safety or environmental incident, those persons directly involved in the incident may be tested for drugs and / or alcohol. The Project Manager or Project OHS Manager may waive this requirement during investigation.

Prior to any alcohol and / or drug testing taking place the relevant documentation should be completed by the manager

FITNESS FOR-WORK POLICY (including D&A testing)

6.11 Random Testing

Random testing of crews or teams of persons may be conducted periodically. The drug and alcohol screening process for projects will be outlined in the project specific induction. Static Hireyu sites such as offices and workshop facilities will adopt a systematic random drug and alcohol testing process.

6.12 Refusal to Test

Should a person refuse an alcohol or drug test, the person will be counselled and advised that workplace access will be denied. The person's Supervisor will be advised of the circumstances and that person will be unable to return to the workplace until an alcohol and drug test is performed and the result is negative. They will also need to participate in any target testing program deemed necessary.

Refusal to test will result in disciplinary action. A second instance of refusal to submit to a test will also result in disciplinary action as per Section 8.

6.13 Return to Work Test

Upon a confirmed positive to either alcohol and / or drugs an individual must return a negative "return to work" sample prior to the recommencement of work. In addition to this requirement a return to work plan may be developed and may include mandatory counselling and target testing. This will be determined by the Site Manager or Head of HSE.

6.14 Target Testing

Upon a confirmed positive to either alcohol and / or drugs individuals may be part of a target testing program as follows:

- Up to 4 alcohol and / or drug target tests in the first month after confirmed positive
- Up to 2 alcohol and / or drug target tests in the second month after the confirmed positive, and
- 1 alcohol and / or drug target test in the third and subsequent months for a period of 12 months.

Please note: The individual will also be part of any random / blanket testing program during this time.

6.15 Medications

Persons taking medication that may compromise their health and safety or the safety of others are required to report this to their Supervisor / Manager, failure to do so may result in disciplinary action, as per section 8. The Supervisor / Manager will refer them to the applicable Site OHS Manager, Site Paramedic / Nurse or Head of HSE. They may contact the treating doctor if the medication is prescribed (with the permission of the person) and if impairment is considered likely, alternative duties may be arranged for the period of likely impairment as applicable to the individual's work area / tasks.

When drug tested, persons who are taking medications will be asked to provide the medication name(s) to testing personnel and this where necessary will be confirmed by laboratory testing. Where the medication is prescribed by a Doctor the person may be required to provide confirmation from their prescribing doctor (to the nominated medical adviser, either in writing or verbally) that the medication is prescribed. All medical information provided shall remain confidential.

If a positive result is produced this will not necessarily mean a First Positive Test however use of prescription medication will need to be supported by the prescribing doctor prior to returning to work.

FITNESS FOR-WORK POLICY (including D&A testing)

6.16 Positive Tests

6.16.1 Presence of Drugs

A person shall be considered unfit for work if they receive a confirmed positive test for the substances identified in this policy at the designated cut-off levels.

In the event of an initial urine non-negative positive screening test:

- The sample is split into two and sent to an accredited pathology laboratory for confirmation testing, or
- The employee / worker may be requested to attend an approved medical clinic for secondary testing, and
- The Head of HSE notified.

In the event that an initial saliva non-negative positive screening test:

- A Urine test may be conducted on site, if a non-negative result returns the sample is split into two and sent to an accredited pathology laboratory for confirmation testing, or
- The employee / worker may be requested to attend an approved medical clinic for secondary testing, and
- The Head of HSE notified.

The individual may be stood down without pay until the results of the confirmatory test are confirmed by the pathology laboratory or approved medical clinic. In the event of a false positive, i.e. negative confirmatory test, any time or wages lost during the period of the screening test and receipt of confirmatory test results shall be reimbursed. In the event of a positive test result from the pathology laboratory the individual shall be stood down and discipline procedures applied, as per Section 8.

Screening shall be conducted for the following drugs; shown in the Table below. Note: Screening and laboratory analysis of the sample will only detect the substances outlined in AS/NZS4308:2008.

Table 1: Urine Immunoassay / Onsite Screening Test Cut-Off Levels

Class of Drug	Cut-Off Level (ug/L)
Opiates	300
Amphetamine Type Substances (ATS)	300
Cannabis Metabolites	50
Cocaine Metabolites	300
Benzodiazepines	200

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Table 2: Urine Confirmatory Test Cut-Off Concentration (As Total Drug)

Compound	Cut-Off Level (ug/L) – Confirmatory
Morphine	300
Codeine	300
6-Acetylmorphine	10
Amphetamine	150
Methylamphetamine	150
Methylenedioxymethylamphetamine	150
Methylenedioxyamphetamine	150
Benzylpiperazine	500
Phentermine	500
Ephedrine	500
Pseudoephedrine	500
11-Nor-Delta-9-Tetrahydrocannabinol-9-Carboxylic Acid	15
Benzoyllecgonine	150
Ecgonine Methyl Ester	150
Oxazepam	200
Temazepam	200
Diazepam	200
Nordiazepam	200
Hydroxy-Alprazolam	100
7-Amino-Clonazepam	100
7-Amino-Flunitrazepam	100
7-Amino-Nitrazepam	100

Note: All cut-off levels are expressed as total concentration of drug or metabolite after hydrolysis.

FITNESS FOR-WORK POLICY (including D&A testing)

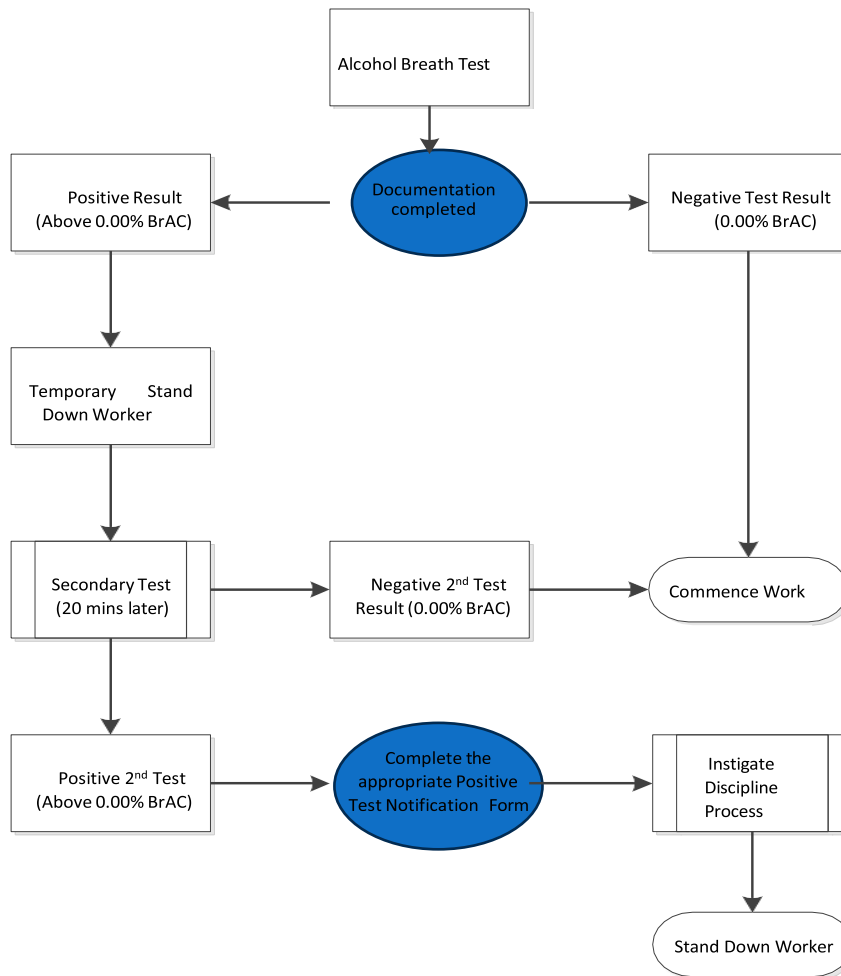
These substances and cut off levels are identical to those established for the AS/NZS 4308:2008. Any modifications in the Standard will automatically result in an identical change to this policy. Please note under AS/NZS 4308:2008 drugs not specifically listed can still be tested for i.e. Synthetic Cannabis and Synthetic Amphetamines. At the discretion of Hireyu, negative onsite samples may be sent for further testing at an accredited laboratory.

6.16.2 Under the Influence of Alcohol

All Hireyu sites require a 0.00% BrAC in all work areas. Where alcohol is detected, a person’s BrAC may be decreasing or it may be increasing if that person has consumed alcohol during the previous hour. In the interests of health and safety they will be directed to remain at the testing facility and they will be re-tested once only 20 minutes after the original test. No smoking, eating or drinking should occur during this 20 minute period as it may affect the second test results. Please note full supervision by the Collector during this 20 minute period will be required.

Only if the retest result is 0.00% BrAC will the test be regarded as negative thus having no implication on the individual and allowing that person to return to normal duties immediately. If after this time the BrAC indicates a positive reading the Procedure outlined in Section 8 is to be followed. Refer to the BrAC Test Procedure Flowchart below.

Flowchart BrAC Test Procedure



FITNESS FOR-WORK POLICY (including D&A testing)

6.17 Positive Tests Protocol

6.17.1 First Positive Test

Should a secondary breathalyser test taken no longer than 20 minutes after the initial test indicate a confirmed positive test for alcohol the worker will be denied access to the workplace and the relevant documentation is to be completed. Hireyu discipline procedures shall apply and a first and final written warning provided to the worker and recorded in the Hireyu HRIS database. The worker will be denied access to the workplace for the remainder of the day. On the next working day the worker shall be retested and must have a BrAC of 0.00% in order to be permitted access to the workplace to recommence work.

Should a worker test positive to drugs (confirmed by pathology laboratory) and be unable to provide any medical clearance consistent with the drug detected, the worker will be denied access to the workplace and the relevant documentation is to be completed. Hireyu discipline procedures shall apply and a first and final written warning provided to the worker and recorded in the Hireyu HRIS database. The worker will be denied access to the workplace until a negative result is achieved.

The worker will be encouraged to seek professional counselling provided at Hireyu cost (via the EAP provider to similar).

Following a positive test result for drugs the worker will be referred to the Head of HSE to assess whether there is any medication that is subject to the comments in Section 6.15 Medications that need to be considered.

Any drug and alcohol retesting shall be conducted by arrangement and in consultation with the Hireyu Collector, OHS Manager or Head of HSE. Any costs associated shall be borne by Hireyu.

Personnel entitlements in respect to absence from work following a positive alcohol or drug test may be covered using sick or annual leave entitlements until a negative result is obtained. In the event that all sick, annual or other paid time off entitlements are exhausted absence from work will be unpaid. However, the use of personal entitlements may be waived by the Project Manager in some circumstances.

6.17.2 Second Positive Test

A worker who registers a positive test for confirmed alcohol or tests positive to drugs without medical clearance a second time will once again be denied access to the workplace and offered professional counselling (via EAP provider or similar) to assist in the management of the reoccurrence of a positive test result. Note : such access to counselling may be provided regardless of any decision in relation to continued employment.

Disciplinary action as per Section 8 shall be applied. Any termination record or written warning is to be provided to the worker and the relevant documentation is to be completed and recorded in the Hireyu database.

6.18 Visitors, Vendors & Others

Visitors and vendors registering a confirmed positive test for alcohol and / or drugs shall be required to leave the workplace immediately and not be permitted to return to that work area for a period determined by Hireyu Management.

FITNESS FOR WORK POLICY (including D&A testing)

6.19 Tampered or Dilute Samples

Retest of urine may be required at the discretion of the Collector. This may be as a result of suspected tampering of sample or inconclusive results or insufficient quantity of the initial sample to be sent away for analysis.

Dilution of urine samples e.g. by drinking excess quantities of water or other fluids prior to testing, may lead to possible false negative results. The urinary creatinine level measures dilution, if a specimen is found to have a creatinine level less than 200 mg/L (1.8 mmol/L) as per AS/NZS 4308, it suggests dilution of the sample.

Where there is reason to suspect the specimen has been adulterated, substituted or diluted a second specimen will be requested as soon as practicable. The worker should wait in a designated location with minimal fluid intake, until the second specimen has been provided and screened. Both samples will be sent to the accredited laboratory as per AS/NZS 4308 requirements.

Confirmed tampering or dilution of samples shall be subject to disciplinary action as specified at Section 8.

6.20 Unauthorised Supply of Drugs or Alcohol to Others

Manufacturer, supply of drugs or unauthorised supply of alcohol to others by workers, visitors or others will result in access to the workplace being automatically revoked. In the case of illegal drugs the police will be notified and discipline procedures applied, consistent with Section 8.

Supply of alcohol and cigarettes to personnel under 18 is illegal.

6.21 Counselling and Rehabilitation

- Following a confirmed positive test result to alcohol and / or drugs the person will be advised of the availability of professional counselling services. A comprehensive list of local services and contact details will be made available. Counselling shall continue to be available post-employment.

Where a person tests a confirmed positive to alcohol and / or drugs and requires professional counselling then Hireyu may assist with any reasonable costs involved.

Professional alcohol and drug counselling is offered following a first positive test result. Where necessary, the individual in consultation with the Head of HSE and, if appropriate, counsellor may develop a rehabilitation plan to assist in managing their FFW issue. It is the intent of this plan to formulate a commitment from the person to manage their FFW. The rehabilitation plan may include an aim, responsibilities, actions, and treatment schedules, time frames and key milestones for rehabilitation and management of relapses.

6.22 Confidentiality

The detailed results of any positive alcohol and drug test will only be known to the authorised Collector, Head of HSE, Human Resource Manager, and the individual being tested. The only information the company will be informed of is that the result of the test was positive.

Any documentation regarding a positive test result will be stored securely and safeguarded according to normal requirements for confidential Human Resource and medical information.

The information will only be provided to those persons in the company who have a legitimate need to know to ensure safety, health or performance.

FITNESS FOR-WORK POLICY (including D&A testing)

No information identifying a person will be released to any third party without the person's written consent or in order to obtain professional or legal advice or if required by law.

All records relating to test results will be kept and remain active for the duration of the workers service with Hireyu. All related paperwork will remain the property of Hireyu and stored in accordance with confidential Human Resource and medical files.

6.23 General Conditions

Those authorised to carry out the random testing will be subject to the random sampling process prior to testing other people (i.e. the Collector self-tests first with witnesses present to verify results). The breathalyser shall be maintained and calibrated in accordance with the manufacturer's specifications by the Project OHS Manager and / or Head of HSE.

7 RETURN TO WORK

Personnel wishing to return to work after being excluded from the work site as a result of a non- negative drug test result, verified by an approved laboratory, will need to initiate a second test which is required to be negative for drugs to enable a return to work in these circumstances they will be required to incur the costs of the second test and results are to be verified by an approved laboratory. Prior to returning to work contact with their Site Manager or the Head of HSE is also required.

Once the clearance has been obtained for the individual to return to work it will be at the discretion of the Site Manager or Head of HSE in consultation with individual's supervisor as to the restrictions placed on that person to minimise exposure to high risk activities etc.

Any disciplinary action will be in accordance with section 8 of this policy.

8 DISCIPLINARY ACTION

Unless Client requirements dictate otherwise, breaches of the requirements of this policy may result in counselling and / or disciplinary action in accordance with the Performance Improvement Procedure (104-POL-PIP-1223) and below.

For the avoidance of doubt, in relation to drugs:

- Laboratory verified non-negative drug test results will result in at least a first and final warning , with counselling being offered and suggested
- Subsequent laboratory verified non-negative drug test results shall in result in termination of employment without notice. Hireyu counselling shall continue to be available post-employment.
- The verified manufacture, possession, distribution, or sale of alcohol or illegal drugs, or misuse of legal drugs at the workplace shall result in instant dismissal.
- The verified tampering or dilution of tests shall result in instant dismissal. For

the avoidance of doubt, in relation to alcohol:

- Where the process at Section 6.17.1 is followed and it is confirmed that, for the first time, the employee has a breathalyser reading above 0.00BrAC then a first and final warning shall be issued and counselling offered
- Where the process at Section 6.17.2 is followed and it is confirmed that, for a second occasion, the employee has a breathalyser reading above 0.00BrAC then employment shall be terminated without notice and counselling offered.

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In relation to a second refusal to test, termination of employment shall occur.

Further to the above, the following are considered serious breaches and may result in dismissal, including instant dismissal:

- Continual absences from work, resulting from positive voluntary tests
- Failure by worker to notify Supervisor of any medication being consumed that may compromise health and safety
- Reckless behaviour that puts others at risk
- Serious breaches or continued breaches of this policy by personnel in management or safety positions

FITNESS FOR-WORK POLICY (including D&A testing)

APPENDIX A – STANDARD DRINKS GUIDE



These are only an approximate number of standard drinks. Always read the container for the exact number of standard drinks.

FITNESS FOR-WORK POLICY (including D&A testing)



These are only an approximate number of standard drinks. Always read the container for the exact number of standard drinks.



These are only an approximate number of standard drinks. Always read the container for the exact number of standard drinks.

* Ready-to-Drink

02000009

Bullying, Discrimination and Harassment Policy

Document no.105-POL-BDH-1223

Date: 31th December 2023

Phillip Green



Director
Hireyu

Dale Tate



Director
Hireyu

Bullying, Discrimination and Harassment Policy

Purpose

The purpose of this policy is to:

- outline Hireyu's commitment to a safe workplace where employees and others in the workplace are treated fairly and with respect;
- ensure, so far as reasonably practicable, that employees are not subjected to bullying, discrimination, vilification, victimisation, or sexual harassment while at work;
- detail the legal responsibilities of Hireyu and employees in relation to bullying, discrimination, vilification, victimisation, and sexual harassment in the workplace; and
- outline the strategies Hireyu will implement to minimise the risk of bullying, discrimination, vilification, victimisation, and sexual harassment in the workplace.

Scope

Although Hireyu is a Queensland based company and policies and procedures are written around the relevant Queensland state Acts and legislation, Hireyu is also required to adhere to the legislation and regulations of the state and country in which they conduct business operations.

This policy covers all employees of Hireyu and all persons performing work at the direction of, in connection with, or on behalf of the Hireyu (for example contractors, subcontractors, agents, consultants, volunteers) (collectively referred to as "workplace participants").

This policy extends to all functions and places that are work related for example, work lunches, conferences, training courses and cultural activities, Christmas parties and client/customer functions.

This policy does not form part of any employee's employment contract with Hireyu and should be read separately.

Exceptions

Nil.

Policy Statement

Workplace Bullying

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers, that creates a risk to health and safety. It is a risk to health and safety because it may affect the physical and/or psychological health of workers.

'Repeated behaviour' refers to the persistent nature of the behaviour and refers to behaviour on more than one occasion and/or over a period of time.

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

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

Bullying, Discrimination and Harassment Policy

- Direct Bullying:
 - abusive, insulting, or offensive language;
 - 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 of 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 unreasonably 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 changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it may still constitute a breach of Hireyu's Code of Conduct and should not be ignored.

A person's intention is irrelevant. 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 person subjected to the behaviour but also to Hireyu's culture and reputation. It is unacceptable and will not be tolerated.

Reasonable management of staff does not constitute bullying. Supervisors have the right and are obliged to manage staffs work, performance, and conduct. 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 action include:

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

Bullying, Discrimination and Harassment Policy

Discrimination

Discrimination occurs when a person is treated less favourably because of an identified attribute. Legislation (Federal and State laws) prohibits discrimination on the basis of a number of identified attributes, include the following:

- race (including colour, nationality, descent, ethnic, ethno-religious or national origin);
- religious belief or activity;
- gender;
- marital status, relationship status;
- pregnancy (including potential pregnancy);
- sexuality, sexual preference, lawful sexual activity, gender identity;
- carers' responsibilities, family responsibilities, carer, or parental status;
- disability or impairment, including physical, mental, and intellectual disability;
- breastfeeding;
- age;
- industrial/trade union membership, non-membership, or activity;
- political belief or activity; and
- association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited).

Discrimination can be direct or indirect. Direct discrimination occurs when a person with an identified attribute (such as their race, sex, or pregnancy) is treated less favourably than a person without that attribute, in the same or similar circumstances.

Indirect discrimination occurs when an unreasonable policy or condition, which applies to everyone, has an unfair impact on a person or group of persons because of a certain attribute.

Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group of persons, on the grounds of race, religion, sexuality or gender identity of the person or members of the group.

Vilification is different to discrimination. Vilification involves someone expressing hatred, disrespect, or ridicule for a person because of an attribute, and encouraging other people to think and do the same.

Vilification can be considered a criminal offence where there is a threat of harm to someone or to their property or urging harm to a person or their property. Where such conduct occurs, Hireyu may report the conduct to the Queensland Police, as well as take action in accordance with this policy, associated policies and legislation.

Victimisation

Victimisation, under the *Anti-Discrimination Act 1991*, is where a person has caused or threatened a detriment to someone because they:

- Refused to do something that would contravene any anti-discrimination laws;
- Complained, or intends to complain, about something that would contravene anti-discrimination laws;
- Are or have been involved in a proceeding under the *Anti-Discrimination Act 1991*, including as a witness, or supplying information to the Commission or tribunal; or
- Are believed to have done or intend to do any of the above.

Bullying, Discrimination and Harassment Policy

Detriment means loss, damage, or injury to the person. It must be real and not trivial, and something that a reasonable person would consider to be a detriment.

Hireyu also defines victimisation as retaliation against a person or subjecting a person to a detriment because they have:

- lodged a complaint;
- intend to lodge a complaint; or
- are involved in a complaint or have participated in an investigation or other workplace process.

Victimisation in the workplace will not be tolerated by Hireyu and may be considered unlawful in accordance with the *Anti-Discrimination Act 1991*.

Sexual Harassment

Sexual harassment is unwanted or unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated, or intimidated. It does not need to be repeated or ongoing. Sexual harassment is considered misconduct, in accordance with the *Industrial Relations Act 2016*.

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/date, 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, Discrimination and Harassment Policy

Hireyu's Responsibilities

In accordance with the *Work Health and Safety Act 2011* Hireyu is obligated to minimise, as far as is reasonably practicable, the risks to workers health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying, victimisation, vilification, discrimination, and sexual harassment.

Workplace participants are also obligated under the *Work Health and Safety Act 2011* to take reasonable care for their own health and safety, as well as that of others in the workplace and comply with any reasonable instruction given by Hireyu.

Hireyu and workplace participants are also responsible for complying with other laws that govern the workplace, including, but not limited to, those list in the 'Legislation' section of this policy.

Complaint Handling Procedure

If a workplace participant feels that they or another worker have been subjected to any form of unlawful conduct contrary to this policy, they should not ignore it. Hireyu 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.

Hireyu will support workplace participants who make a bullying, discrimination, vilification, sexual harassment, and victimisation complaint. However, workplace participants must not make a false complaint or a complaint in bad faith. 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 subjected to disciplinary action and may be exposed to a defamation claim.

Employee Obligations

Supervisors have a key role in the prevention of workplace bullying, discrimination, vilification, victimisation, and sexual harassment and must:

- not bully, discriminate, vilify, or sexually harass workplace participants or aid; abet or encourage other persons to engage in such behaviour;
- act promptly and appropriately if they observe bullying, discrimination, vilification, victimisation, or sexual harassment behaviours;
- ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it, including to report any bullying, discrimination, vilification, victimisation, or sexual harassment behaviour;
- ensure all staff who report to them are aware and understand the complaint procedures;
- act promptly if a complaint is made. If this is not possible, or its inappropriate, inform Human Resources as soon as possible;
- be aware that employees can be held legally responsible for such unlawful conduct.

All workplace participants must:

- not engage in any conduct which may constitute bullying, discrimination, vilification, victimisation or sexual harassment towards other workers, customers/clients, or others whom they come into contact through work;
- ensure they do not aid, abet, or encourage other persons to engage in bullying, discrimination, vilification, victimisation, or sexual harassment behaviour;
- report any bullying, discrimination, vilification, or sexual harassment in the workplace in accordance with this policy;
- follow Hireyu's complaint procedure if they experience bullying, discrimination, vilification, victimisation, or sexual harassment;
- maintain confidentiality if they are involved in a complaint/incident;
- be aware that employees can be held legally responsible for such unlawful conduct;
- be aware that workplace participants who aid or encourage others to engage in such conduct can be legally liable.

Bullying, Discrimination and Harassment Policy

Breach of the 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 which may include termination of employment.

Agents, volunteers, and contractors (including temporary contractors) who are found to have breached this policy may have their contracts with Hireyu terminated or not renewed.

Risk Management

Through the completion of relevant risk assessments, Hireyu will take steps to minimise the risk of bullying, discrimination, vilification, sexual harassment, and victimisation through a risk management process.

The steps will include:

- identification of risk factors - these are matters and situations which could contribute to bullying, discrimination, vilification, sexual harassment, and victimisation;
- assessment of the likelihood of bullying, discrimination, vilification, sexual harassment, and victimisation occurring from the risk factors identified and their potential impact on workers;
- eliminating the risks, as far as reasonably practicable, or controlling, or minimising, them as far as is reasonably practicable;
- reviewing the effectiveness of the control methods put in place; and
- training workers about bullying, discrimination, vilification, sexual harassment, and victimisation.

Legislation

Age Discrimination Act 2004 (Cth)

Anti-Discrimination Act 1991 (Qld)

Australian Human Rights Commission Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Industrial Relations Act 2016 (Qld)

Public Sector Ethics Act 1994 (Qld) Racial

Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

Workplace Health and Safety Act 2011 (Qld)

All relevant local Laws, Acts and regulations

Performance Improvement Procedure

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Date: 30th December 2023

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Performance Improvement Procedure

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PERFORMANCE IMPROVEMENT PROCEDURE

1 GENERAL INFORMATION

1.1 Scope

Although Hireyu is a Queensland based company, therefore policies and procedures are written around the relevant Queensland state Acts and legislation. Notwithstanding this, Hireyu is also required to adhere to the legislation and regulations of the state and country in which they conduct business operations. This procedure applies to all Hireyu Employees. Provisions in Enterprise Agreements should be read in conjunction with this procedure.

1.2 Purpose

This procedure aims to detail the Hireyu performance improvement process which includes considerations relating to performance improvement, counselling, discipline and termination.

1.3 Application

The performance improvement process should be initiated in cases where performance or behaviour is trending towards failing to meet or indeed fails to meet company expectations (e.g. continued mistakes and oversights, continued slowness, poor communication and teamwork, disregarding policy, Company Values, or procedural requirements).

As part of the aim of performance improvement, a supervisor or manager will discuss their concerns with the person in the first instance and confirm the requirement for improvement. This initial process is invariably informal unless the nature of the performance or behaviour warrants more formal action.

If there is no improvement, then a formal counselling process would commence.

Some steps in the process outlined may be omitted where the seriousness of the situation warrants it. Summary Dismissal can occur in cases of serious and wilful misconduct.

1.4 Definitions

Term	Definition
Fair Work Act 2009	The Fair Work Act 2009 is the primary piece of legislation for workplace relations and provides for minimum standards in relation to managing Employees.
Fair Work Commission	Fair Work Commission is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to: the safety net of minimum wages and employment conditions; enterprise bargaining; industrial action; dispute resolution; termination of employment and other workplace matters
Hireyu	Hireyu Pty Ltd/Hireyu Nuiguni
Hireyu Employee	Corporate or project based employee.
Summary Dismissal	Refers to a breach of the contract of employment which is so fundamental as to amount to a repudiation of the contract which hence requires instant termination. No notice period is paid
TQM	Collection of operating procedures that define the processes an organisation employs to ensure administrative and project work is carried out effectively, safely, efficiently and within legislative and regulatory requirements.

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2 ROLE RESPONSIBILITIES

Employees are responsible for their own performance and conduct, consistent with their employment contract and the Code of Conduct and Company Values (Teamwork, Integrity and Strive to be Better).

Managers and Supervisors are responsible for:

- Ensuring performance issues are dealt with in a timely manner and that the processes set out in this Procedure are followed
- Encouraging and supporting an environment of performance improvement before formal counselling actions are taken, and
- Ensuring that if counselling actions have to be taken then they are done so fairly, reasonably and in a timely fashion.

Human Resources (HR) personnel are responsible for:

- Providing sound advice and support to managers, supervisors and Employees as required
- Ensuring that the process is implemented fairly and equitably, and all current laws, the rights of individuals, and the protection of Hireyu's reputation are respected, and
- Being a witness to counselling and potential termination discussions as requested.
- Preparation of warning and termination letters
- The Head of HR approving termination decisions other than end of contracts terminations. This is done jointly with the department head or project manager as applicable.

3 PRINCIPLES AND INTENT

There are a number of guiding principles in relation to performance improvement, counselling, discipline and termination including:

- Performance improvement is an ongoing process which requires candid and constructive communication between the manager and the person about required performance levels and any shortfalls. Such a process also provides an opportunity for the person to respond to any performance/conduct issues
- Support is provided to the person in the form of clarification of the issues and expectations of Hireyu. The person may choose to have a support person present for all counselling and disciplinary meetings and/or request external counselling
- Disciplinary issues are resolved quickly and equitably to maintain a work environment which is supportive and positive. They are managed in confidence, as much as is practicable, with the least impact on productivity and morale, and with full respect and dignity to the person
- HR will provide advice and, where necessary, assistance in the process to the person, supervisor or manager, and
- All counselling disciplinary matters are managed in accordance with this procedural document and relevant industrial relations laws and instruments.

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4 PROBATION AND THE QUALIFYING PERIOD OF EMPLOYMENT

All new Employees are subject to a probation and qualifying period. Regular discussions should be held between the person and their manager or supervisor during this period. The primary purpose of these discussions is to provide feedback and assist in the settling in process. If however, there are performance / conduct concerns during this time they should be part of the discussions during probation reviews.

Two probation discussions should be recorded on the Staff Probation Reviews form. The first meeting/discussion should be held on or about the 5th week of the Employee's commencement date, and the second meeting on or about the 11th week.

The Qualifying Period is a period as outlined in the Fair Work Act 2009 and is a six month period where the employee cannot seek unfair dismissal upon termination unless the dismissal was discriminatory or consistent with Appendix A considerations for adverse action.

5 STAGES OF COUNSELLING

Where counselling is required, the following approach and sequence of action is recommended. As previously identified there are situations where any or all of these steps may be omitted due to the seriousness of the situation.

5.1 Informal Counselling

Informal counselling is a counselling discussion centred on where the individual can improve their performance. The supervisor or manager will record the discussion on a file note and may instigate an action plan with the person to address the performance improvement or conduct issue. Any such action plan should be agreed by both the Employee and the supervisor/manager and documented for future reference.

If there is no improvement then formal counselling is initiated.

5.2 Formal Counselling

Formal counselling is a formal discussion with the person to improve performance or conduct. The supervisor or manager will:

- Allow the person to have a support person present for the discussion, if requested, and if within reasonable time frames (e.g. 24 hours from request for meeting)
- Provide the person with the opportunity to respond to the performance improvement/conduct issue
- Consider the person's response
- Using the Record of Performance Improvement Discussion form to record the performance concerns, ensuing discussion, any agreed actions and consequences of no improvement, and
- Provide a copy of the completed Record of Performance Improvement Discussion to the person and HR. Instead of filling out the above form, the supervisor or manager may, on reflection, issue a formal warning to the person, including the reason for the warning and the consequences of continued poor performance or conduct (i.e. that the person is placing their employment at risk). HR will draft the formal warning letter for you. A copy of the formal warning is to be placed on the person's personnel file.

If no improvement then further formal counselling is initiated.

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5.3 Further Counselling

Further counselling is a further formal counselling discussion with the person to improve performance/conduct. This may result in a second (final) formal warning. The aforementioned form may be used or HR may be requested to draft a formal letter for you.

The same process as outlined in formal counselling above should apply. However, failure to comply with the requirements of the further counselling discussion may result in termination of employment. This must be communicated to the Employee.

5.4 Prospect of Termination

If there has been little or no improvement as required by and communicated to the individual in the formal counselling discussions, the manager and a witness will meet with the person and give them the opportunity to provide any reason why they should not have their employment terminated.

There must be consideration of anything the person proposes as reasons for their unsatisfactory performance or conduct before any termination action is considered. Sometimes it may be necessary to pause the process while that consideration takes place.

No termination decision, other than where an individual reaches the end of their contract, can be contemplated without first obtaining the advice of either the Head of HR or, where it relates to Operations and Project resources, the Vice-President, Operations.

Once a decision is made a letter of termination is to be prepared by the Head of HR and issued as agreed.

6 SUMMARY DISMISSAL

Summary Dismissal refers to the instant termination of employment and is used in cases of serious and wilful misconduct.

Serious and wilful misconduct can include, but is not limited to, the following examples:

- Any form of illegal activity in the workplace
- Serious breach of policy which involves the disregard or wilful violation of company policies and procedures and rules including but not limited to safety, fitness for work, environment, equal opportunity, internet, electronic communications or behaviour at project camps or commercial premises.
- Falsifying details in a job application, time cards, records, or medical reports
- Falsifying workers compensation or insurance claims
- Breach of confidentiality or security
- Misappropriation of company funds or property
- Threatening or bullying behaviour
- Fighting or attempting to injure others
- Stealing from Hireyu or its customers, shareholders, contractors or persons
- Serious breach of procedure by those in positions of responsibility
- Being intoxicated or affected by, or in the unauthorised possession of, alcohol and drugs
- at work or any other breach of the Fitness for Work Procedure
- Reckless or continued reckless breach of driving rules (i.e. IVMS exception or project driving rules).

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In circumstances where management consider that a person's behaviour may constitute misconduct warranting Summary Dismissal, the person may be suspended until a thorough investigation has been carried out.

No termination decision, except where the individual has reached the end of their contract, can be contemplated without first obtaining the advice of either the Head of HR Manager or, where it relates to Operations and Project resources, the Vice-President, Operations.

The Head of HR shall prepare the termination letter.

7 SUPPORT SERVICES

Hireyu will provide access to both inhouse and third-party support services where deemed appropriate. This includes but is not exclusive to: Welfare services, counselling and third- party mediation services.

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APPENDIX A: FAIR WORK COMMISSION CONSIDERATIONS

Hireyu aims to ensure that its processes in relation to counselling and termination are consistent with industrial relations laws and regulations to avoid, wherever possible, unfair dismissal and adverse actions claims.

Below are explanations from the Fair Work Commission website on these two areas of potential action.

1. Unfair Dismissal

In considering whether a dismissal was harsh, unjust or unreasonable, Fair Work Commission must take into account:

- Whether there was a valid reason for the dismissal related to the person's capacity or conduct (including its effect on the safety and welfare of other Employees), and
- Whether the person was notified of that reason, and
- Whether the person was given an opportunity to respond to any reason related to the capacity or conduct of the person, and
- Any unreasonable refusal by the employer to allow the person to have a support person present to assist at any discussions relating to dismissal, and
- If the dismissal related to unsatisfactory performance by the person—whether the person had been warned about that unsatisfactory performance before the dismissal, and
- The degree to which the size of the employer's enterprise would be likely to impact on the procedures followed in effecting the dismissal, and
- The degree to which the absence of dedicated human resource management specialists or expertise in the enterprise would be likely to impact on the procedures followed in effecting the dismissal, and
- Any other matters that the Commission considers relevant.
-

2. Adverse Action

Under the Fair Work Act 2009 (Fair Work Act), Employees in the national workplace relations system have defined rights and are protected from adverse action in breach of those rights.

Adverse action includes dismissing or refusing to employ someone, discriminating against them, or otherwise injuring them in their employment (for example, by demoting them, or offering them different (and unfair) terms and conditions compared to other Employees).

The general protections provisions of the Fair Work Act aim to protect Employees from adverse action in breach of a number of defined rights. Those rights are categorised as workplace rights, industrial activities, other protections, sham contracting arrangements, coercion and misrepresentations, and undue influence or pressure.

Workplace rights

A person must not take adverse action against another person because the other person has a workplace right or exercises a workplace right. The term 'workplace right' has a broad meaning. A person has a workplace right if he or she:

- Has an entitlement under a workplace law, a workplace instrument (such as a modern award or enterprise agreement), or an order made by an industrial body (such as Fair Work Commission)
- Is able to initiate or participate in a process or a proceeding under a workplace law or workplace instrument, such as taking court action
- Is able to make a complaint or inquiry in relation to their employment.

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Industrial activities

A person must not take adverse action against another person because they engaged in or proposed to engage in industrial activity (such as belonging to or participating in a union), including refusing to participate in any industrial action. Industrial activities cover activities associated with freedom of association including:

- Becoming or not becoming members of industrial associations (e.g. trade unions, employer associations)
- Representing or advancing the views, claims or interests of an industrial association
- Taking part in protected industrial action, or
- Refusing to take part in industrial action.

Other protections

Discrimination

An employer must not take adverse action against an Employee or prospective Employee because of an attribute of that person, including their: race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

An employer is only allowed to do so in limited circumstances when the action is:

- Taken because of the inherent requirements of the particular position, or
- In accordance with doctrines, tenets, beliefs or teachings of a particular religion or creed and taken in good faith to avoid injury to the religious susceptibilities of that religion or creed, or
- Not unlawful under any anti-discrimination law in force in the place the action is taken.
- Temporary absence due to illness or injury
- An employer must not dismiss an Employee because they have been temporarily absent from work because of illness or injury if:
 - They have a doctor's certificate (or other evidence under regulation 3.01 of the Fair Work Regulations 2009), and
 - They are on paid sick leave or they have had less than three months unpaid sick leave in the last year.

Sham contracting arrangements

An employer must not tell an Employee that they are being hired as an 'independent contractor' if they are really an Employee. An employer must not dismiss or threaten to dismiss an Employee in order to hire them as an independent contractor doing the same or substantially the same work.

Coercion and misrepresentations

A person must not take or organise any action against another person, or threaten to do so, with the intent to coerce them, or anyone else, to:

- Exercise or not exercise a workplace right
- Propose to exercise or not exercise a workplace right, or
- Exercise or propose to exercise a workplace right in a particular way.

A person must also not knowingly or recklessly make a false or misleading representation about another person's workplace rights, the exercise of those rights, or the effect of exercising those rights.

Undue influence or pressure

An employer must not put undue influence or pressure on an Employee about a decision to:

- Make or not make an agreement or arrangement under the National Employment Standards, a modern award or an enterprise agreement
- Agree to or terminate an individual flexibility arrangement
- Accept a guarantee of annual earnings, or
- Agree or not agree to a deduction from their pay.

Note: some of the protections only apply to particular situations, such as a dismissal, and only certain people may be able to apply, such as an Employee. For example, section 352 of the Fair Work Act, which deals with temporary absence due to illness or injury, applies only to an Employee who has been dismissed.

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APPENDIX B: GUIDE FOR FIRST, SECOND AND FINAL FORMAL REVIEWS

General

- Accepting poor performance has a significant impact on your team, the work environment and the customer
- Note that providing candid negative performance feedback may be one of the most difficult things you do as a Manager or Supervisor
- Seek advice from your Manager or the Head of HR if you are unsure of the way to handle a performance issue
- Resist pressure to act in a rush if you have not carried out proper processes. Make sure you have followed due process.

Informal Counselling - Performance Improvement Discussion

- Identify for the person where the performance / conduct is considered unacceptable
- Clearly state that the performance / conduct is not acceptable
- Clearly communicate the standard of performance or conduct expected
- Identify any policy or procedure or rule that applies
- Give the person the opportunity to respond
- Explain that the Employee must meet required standards
- Discuss and document any support/training required to meet this
- Agree a review period
- Explain what further action may be taken
- Explain the consequences of performance / conduct issues
- Make a file note of the above.

First Formal Counselling

- Draft the Record of Performance Improvement Discussion form before the discussion outlining previous discussions surrounding performance issues (last 12 months)
- Document standard of performance / conduct required
- Nominate a review period, clearly outlining the consequences of continued unsatisfactory performance or conduct
- Ensure the person is given reasonable notice of the discussion, is informed of the nature and details of the unsatisfactory performance/conduct and is given the opportunity of bringing a support person
- At the meeting, clearly inform the Employee of the concern in respect to their performance / conduct
- Provide the person with the opportunity to respond to the concerns raised
- Take into account the comments of the person
- If appropriate, issue a formal written warning to the person by providing them with the performance improvement document and briefly reviewing each point raised. The Head of HR will prepare this for you.
- Request that the document be signed by the person (document it if they refuse)
- Forward the completed document to HR, provide a signed copy to the person and retain a copy for your files
- Conduct follow-up meeting even if performance has improved.

Further Formal Counselling

- Draft the Record of Performance Improvement Discussion before the discussion outlining previous discussions surrounding performance issues (last 12 months)
- Document standard of performance / conduct required
- Nominate a review period, clearly outlining the consequences of continued unsatisfactory performance or conduct
- Ensure the person is given reasonable notice of the discussion, is informed of the nature and details of the unsatisfactory performance / conduct and is given the opportunity of bringing a support person
- At the meeting, clearly inform the Employee of the concern in respect to their performance / conduct
- Refer to previous performance improvement discussions including where formal written warnings have been provided

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- Provide the person with the opportunity to respond to the concerns raised
- Take into account the comments of the person
- If appropriate, issue a second (final) formal written warning to the person by providing them with the performance improvement document and briefly reviewing each point raised. The Head of HR will prepare this letter for you
- Communicate to the person that failure to comply with the requirements of the further counselling discussion may result in termination of employment
- Request that the document be signed by the person (document it if they refuse)
- Forward the completed document to HR, provide a signed copy to the person and retain a copy for your files
- Conduct follow-up meeting even if performance has improved.

Termination

- Ensure the person is given reasonable notice of the discussion, is informed of the nature and details of the unsatisfactory performance / conduct and is given the opportunity of bringing a support person
- Ensure you have a witness to the discussion and offer the individual to have a support person present
- Specify where the person has failed to meet standards of performance / conduct
- Specify the standard expected
- Refer to previous performance improvement discussions including where formal written warnings have been provided
- Provide the person with the opportunity to respond to the continued performance / conduct concerns
- Consider the person's response
- If the response is not convincing and you have taken time to consider next steps then you may proceed to asking the person why you should not terminate them
- Again if the response is unconvincing then, if you have appropriate authorisation, that is the Head of HR and, for operational resources, the Vice President Operations then you may terminate with appropriate notice (with Summary Dismissal, no notice is provided; for performance related issues see sliding scale at Appendix C)
- Provide the person with written confirmation of their termination and ensure Payroll pays wages that are due and payable at the time of termination
- Any additional requests from the person are to be referred to HR
- Ensure the discussion is documented thoroughly and provided to HR for appropriate filing and Payroll action.

PERFORMANCE IMPROVEMENT PROCEDURE

APPENDIX C: NOTICE PERIODS

The Fair Work Act sets out a table of notice periods that must be provided to all Employees. Employees must be provided with the period of notice prescribed by the table, or payment in lieu, unless an Employee is guilty of serious misconduct.

Employee's Period of Continuous Service	Period of notice
Not more than 1 year	At least 1 week
More than 1 year but not more than 3 years	At least 2 weeks
More than 3 years but not more than 5 years	At least 3 weeks
More than 5 years	At least 4 weeks

The period of notice is increased by one week if the Employee is over 45 years old and has completed at least 2 years' continuous service.

Payment in Lieu of Notice

Payment in lieu of the notice must be at least equal to the amount that the Employee would have become entitled by working out the period of notice. The legislation provides that this should be calculated on the basis of ordinary hours of work (even if greater than standard hours) and must include any allowances, loading and penalties payable in respect of those hours. The period of notice shall not apply in the case of dismissal for conduct that justified Summary Dismissal (see section explaining Summary Dismissal).