

<p style="text-align: center;"><b>GIPPSLAND FM POLICY</b> <b>OUR PEOPLE POLICIES</b></p>
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## **1.0 INTRODUCTION**

- 1.1 Gippsland FM welcomes diversity amongst its membership and staff and volunteers that participate or wish to participate in its activities. The station recognises that the particular contributions to the achievement of its purpose can be made by individuals from a wide range of backgrounds and experiences.
- 1.2 Gippsland FM is committed to the principle of equal opportunity for all members and prospective members in their involvement with the station. The Board of Directors (Board) will ensure that equal opportunity practices are maintained and that these are consistent with the principles of justice, equity and the spirit and intent of equal opportunity and anti-discrimination legislation.
- 1.3 Responsibility for implementing this policy will rest with the Board and any complaints received for non-compliance will be handled in accordance with the station Rules and relevant policies.
- 1.4 In order to realise its commitment to this policy, the station will:
  - a) promote the aims of this policy,
  - b) be pro-active in eliminating discrimination, including harassment and bullying, through training and guidance for members,
  - c) make this policy available to all members, and
  - d) regularly review the terms of this policy and related policies and all associated codes of practice and guidelines.

## **2.0 POLICY PRINCIPLES**

- 2.1 The underlying principles upon which Gippsland FM shall base its management of people include the:
  - a) provision of a safe and healthy work environment,
  - b) provision of policies and practices that ensure fair and equitable treatment,
  - c) recruitment and promotion of staff on the basis of relative efficiency through fair and open competition,
  - d) provision of satisfying involvement through clear objectives and role statements for all personnel,
  - e) fostering of harmonious working relationships,
  - f) regular consultation and communication with all members, and
  - g) encouragement of all station personnel to maintain proper standards of integrity, conduct and concern for the performance and reputation of the organisation in the public interest.

### **3.0 MEMBERSHIP**

- 3.1 Membership in the Gippsland Community Radio Society Co-operative Limited FM is open to all members of the community and beyond, from people of all ages including community groups and other organisations who wish to support to the objectives of the co-operative. The station is committed to a totally open and non-discriminatory policy in regard to access to membership and station participation.
- 3.2 The rules solely relating to membership are outlined in the Co-operative Rules which are based on the model rules of a co-operative described in the Co-operatives National Law (CNL). The relevant rules are included as Appendix 1 of this document.
- 3.3 In addition, there are station policy provisions relating to membership and volunteering outlined in this document.
- 3.4 Groups or individuals can join the co-operative by completing a membership application form, paying the relevant membership fee and having such an application approved by the Board as required under the CNL. The Board must advise applicants of membership approval or not within 28 days of its decision.
- 3.5 Under the CNL, the Board must ensure that all applicants approved for membership are provided with a copy of the rules of the co-operative and a copy of the most recent audited financial accounts of the co-operative. The name of the approved member must also be entered into the Prescribed Register for members. A letter or email advising on the membership application should also be sent within 28 days of a decision made by the Board.
- 3.6 Evidence of membership in the co-operative is as follows:
- A copy of the signed application form, and
  - A record of approval in the minutes of a Board meeting, and
  - A receipt made out for the relevant payment being made, and
  - An entry of the members name and contact details in the Prescribed Register.
- 3.7 **Email Provisions**  
All members are encouraged to provide an email address on their membership application form. Under the CNL, any member has the right to receive all notices by email or by post. The provision of an email address on an application is taken as consent for emails to apply to such provision of notices.
- 3.8 **Financial Status Of Members**  
Under the CNL and the rules of the co-operative, members are only considered Active Members (as defined in the CNL) when payment of the annual levy is made by the due date. Only Active Members can vote at general meetings of the co-operative. It is noted that under the Rules, the Board must declare a membership cancelled if Active Membership has not been retained for three years.

### 3.9 Membership Fees

3.9.1 The annual levy (or membership or subscription fee) is determined by the Board and can change over time and varies according to the category of membership applicable – outlined as follows:

Co-operative Members – are those individuals or groups who join the Co-operative. Such members can have a say in the policies and direction of the station, have a right to receive notices of any meetings of the Co-operative and have the right to vote at such meetings or be elected to the Board (if over 18 years of age). Where a group joins as a member, it must formally advise the name of its representative for voting purposes.

Associate Members – are those who wish to support the station without becoming Co-operative Members. Such members do not have the rights afforded to Co-operative Members and can not vote or be elected to the Board Of Directors. Given the discount on fees for Associate Members, they shall only receive station publications by email.

Annual Membership Fees are outlined as follows (inc GST) and can be altered by the Board at any time:

#### Co-operative Members

Group Membership	\$ 100.00
Full Membership	\$ 40.00
Concession (student, pensioner, unemployed)	\$ 30.00
Youth (under 18 years of age)	\$ 20.00
Life Member	\$ nil

#### Associate Members

\$ 12.00

3.9.2 The Board shall determine the fee structures and the annual amounts applicable and it may alter fee structures or establish pay on time discounts as it sees fit.

#### 3.9.3 Pro-Rata Payments

All members are required to pay the annual fee upon joining in any category described above. In the second year of membership, members will be invoiced a pro-rata amount in order to bring their membership fees to be due each year on 1 September which is the commencement of the financial year for the Co-operative. For example, if a member joins in February (half-way through the financial year for the Co-operative), they would pay the applicable annual fee and be invoiced half the annual rate for the second year of membership.

## 4.0 PARTICIPATION IN STATION OPERATIONS

4.1 All station presenters are required to be Active Members of the Co-operative, have undertaken training and induction and sign a station Presenter Agreement.

- 4.2 All station presenters are required to pay an annual Presenters Fee. This fee is structured as follows (inc GST) and can be altered by the Board at any time:

Full Member	\$ 30.00
Concession Member	\$ 10.00
Youth Member	\$ nil

- 4.3 Presenters involved with the Radio For Print Handicapped program do not have to pay the Presenters Fee.

- 4.4 Due to the time wasted by volunteer staff in following up unpaid fees, presenters who fail to pay their annual fees or other levies after eight weeks from an invoice being issued will have their program suspended and station access code removed. Such action can be avoided by paying fees on time or if a formal request for an extension of time is approved by the Board. Any reinstatement of an access code will incur a fee of \$50.00 (inc GST) payable in advance of a new code being issued.

- 4.5 Access to the station

- 4.5.1 All station presenters and other staff or volunteers involved in the operation of the station shall be issued a personal access code to gain entry to the ground level and foyer doors of the station. These doors are to be kept locked at all times, unless an emergency exists.

- 4.5.2 In accordance with the Training and Induction Policy, trainee presenters will not be given a station access code (as per clause 3.14 of that policy) until they have been recommended for a program in accordance with clause 3.13 of that policy.

- 4.5.3 For security purposes, station personnel issued with a station access code must not allow this code to become known by any other person. In the event that this occurs, the offending person will be held liable for any issues that occur as a result and may be suspended or dismissed if this requirement is breached. The station retains a computer record of which codes have been used at any given time.

- 4.5.4 All members and visitors must also sign in (and out) for health & safety reasons in an emergency. The sign-in sheet is inside the station entrance.

- 4.5.5 Entrance the station for visitors and guests can be gained by pressing the buzzer at the Turners Lane ground floor entrance. The buzzer activates an intercom which is accessed via the telephone system. There is also a video system that shows who is at the door. Buttons to release the doors are located in Studio 1 and Studio 2 and the room adjacent to the office.

- 4.5.6 The ground floor of the building is alarmed, so should not be accessed via the internal stairwell outside of normal office hours unless an emergency is underway. Setting off the alarm system when there is no emergency may incur a callout fee and any member will be personally charged any costs associated with a response triggered by the alarm in this situation.

- 4.5.7 All station personnel must clear their own station mailbox each time they visit the station and not use it as a 'storage locker.'
- 4.5.8 All personnel must ensure that they and people under their control do not eat or drink in any studio. This also applies to smoking which is prohibited in all parts of the building and station premises. A failure to comply with these requirements may result in termination as a station participant.
- 4.6 The role of an announcer/presenter is directly responsible to the Program Director or other officer designated by the Board.
- 4.7 All presenters are responsible for all material presented in their respective programs and unless other presenters or station personnel are present, each member is accountable for any events which may occur during their program (i.e. responsible for the actions of people involved with your program).
- 4.8 **Leave Of Absence**  
Leave of absence for any reason, from presenting, administrative or other duties, will be granted upon application. Under the CNL, directors must seek Board approval for any leave from such roles.
- 4.9 **Resignation**  
A member may resign for any reason at any time, by giving four weeks notice in writing to the Secretary. In the case of a broadcaster, withdrawal from a program for any reason should be subject to at least a similar period of notice to the person responsible for programming.

## **5.0 DISCRIMINATION**

- 5.1 In regard to membership or participation in station activities, no station member or prospective station member will be treated less favourably than any other person on the grounds of age, ethnicity, race, religious beliefs, marital status, sexual preference, physical or mental ability, occupation, cultural belief or political affiliation.
- 5.2 However, the above clause shall not apply when such treatment is within the law and determined by lawful requirements.
- 5.3 The Board shall ensure that all station structures, practices, policies and guidelines are free from direct or indirect discrimination on all relevant legislative grounds (refer Appendix 2).
- 5.4 The Board shall endeavour to ensure that all committees have adequate gender balance and wherever possible such committees are broadly representative of the station membership and culture.
- 5.5 All directors have a particular responsibility to ensure that the station is free from discrimination and discriminatory harassment, and that relevant policies and guidelines with regard to the resolution of complaints are followed.

5.6 The Board shall ensure that proper standards of conduct are maintained and that any known case of discrimination be dealt with immediately, without necessarily waiting for a formal complaint.

5.7 Complaints Relating To Discrimination

5.7.1 All complaints relating to non-compliance with this policy or any other possible matters of discrimination shall be advised in writing to the Secretary for Board consideration. Any such complaints should be advised as soon as possible after such an event occurs or within a period of six months, unless good reason can be identified for events relating to a greater period of elapsed time.

5.7.2 The Board shall ensure that all complaints are taken seriously, treated sensitively and investigated fairly and impartially.

5.7.3 The Board shall follow the Rules and where applicable this policy in dealing with complaints relating to discrimination.

## **6.0 RIGHTS AND RESPONSIBILITIES**

6.1 As a volunteer at Gippsland FM, all volunteers have the right to:

- information about the role for which you are volunteering
- a clearly written job description
- know whom you are accountable to
- be recognized as a valued team member
- be supported and supervised in your role
- a healthy and safe working environment
- be covered by insurance
- say “no” if you feel you are being exploited
- be reimbursed for out of pocket expenses approved by the Board (or delegated person) prior to such expenses being incurred
- be advised of the station’s travel reimbursement policy
- be informed and consulted on matters which directly or indirectly affect you or your role at the station
- be made aware of the grievance procedure within the organization
- receive orientation, induction and training.

6.2 As a volunteer at Gippsland FM, you have the following responsibilities:

- comply with the Rules, the sector Codes Of Practice and station policies
- be reliable
- respect confidentiality
- abide by any agreements or contracts you make
- be accountable
- be committed to the organization
- undertake training as requested
- ask for support when you need it
- give notice before you leave the organization
- value and support other team members
- carry out the role you have agreed to do responsibly and ethically.

6.3 Code Of Conduct

All members of the station are required to comply with the Code Of Conduct. A copy of that code is included in this policy as Appendix 3.

**7.0 TRAVEL AND OTHER EXPENSES**

7.1 As a general rule, members can only incur expenses on behalf of the organisation with the prior approval of the Board or officers delegated to make such approvals by the Board.

7.2 Accordingly, the station will not reimburse members for any costs related to their participation in the station unless a member has been directed by the Board to undertake an activity where costs are incurred.

7.3 Similarly, the station will not reimburse members for any travel costs related to station activities except where a member has been directed by the Board to attend an event or activity on behalf of the station.

**8.0 DISCIPLINARY MATTERS**

8.1 Human resources are integral to all activities of Gippsland FM. The station aims to encourage and support their contributions. However, it is also recognised that there may be times when a volunteer or staff member needs to be counselled or disciplined.

8.2 The policy and processes for disciplinary measures and dismissal aims to provide a clear and fair structure for all parties. This policy includes an appeals mechanism to ensure a 'right of reply' to a person who has been disciplined. This is further complemented by the Rules and the grievance provisions where applicable outlined in this policy. These processes may be used in a situation where a person feels they have not been fairly heard or that the grounds and procedures for disciplinary action or dismissal have not been adequately followed.

8.3 This policy document does not include the procedure for expulsion or suspension of a member from the co-operative; this process is prescribed in the Rules. It should be noted that Rule 13 applies to disputes under the Rules, while the Board has powers under Rule 36 (1) to manage the business of the co-operative and "for that purpose the Board has and may exercise all the powers of the co-operative that are not required to be exercised by the co-operative in general meeting."

8.4 All disciplinary matters can only be managed by the station Board. This responsibility shall not be delegated to any individual, however a sub-committee appointed by the Board, comprising a majority of directors, can investigate and recommend actions for Board approval.

8.5 Disciplinary situations are to be handled in a professional manner, ensuring procedural fairness and communication between the Board and the person who

is subject to such concerns that is clear, fair, objective and in accordance with the policy outlined below.

- 8.6 The Board shall consider the following issues in determining a response to any disciplinary matter:
- The roles, values, code of conduct and expectations of the organisation being clearly communicated and subsequently reinforced during any conversation regarding performance concerns
  - Contributing factors such as learning difficulties or language barriers
  - Previous training / mentoring and or coaching to improve performance
  - Previous behaviour and record of performance by the individual concerned
  - Where verbal and written warnings have already been given, ensuring that the individual had an adequate opportunity to respond to such warnings.
- 8.7 Disciplinary Process
- 8.7.1 The disciplinary action is to be a three-step process which includes:
- a. First formal notice of concern or a warning in writing
  - b. Second formal notice in writing
  - c. Notice of dismissal of the volunteer from duties.
- 8.7.2 For issues that are considered minor, a conversation with the person may be appropriate; however this will not be considered part of the formal disciplinary action (although it may be referred to in later action.)
- 8.7.3 Written notice will include details of the issue and, where feasible, evidence. In a case where the disciplinary measure has been instigated by a complaint, it may be appropriate to include a copy (with attribution removed) or an extract of this complaint.
- 8.7.4 Further disciplinary actions, such as a suspension of volunteer duties for a period of time, may also be deemed appropriate. In such cases these actions will be included with the formal notice in writing.
- 8.7.5 Every effort will be taken to ensure that notice of a disciplinary measure, whether formal or informal, will be given at an appropriate time, e.g. not immediately prior to, or during a broadcast by the person involved.
- 8.7.6 Notice of a disciplinary measure will be given by the Board or a person designated by the Board.
- 8.7.7 Any member who is subject to a disciplinary measure will have the right to appeal against the action. If an appeal is received, the Board may choose to suspend the disciplinary action pending the outcome of the appeal, which may take the form of a written appeal to the Board or a meeting with the Board or its representatives. The member can bring a representative to any such meeting if they choose. If such appeal results in a change in the disciplinary action, or removal of it, this will be confirmed in writing by the Board.



- 8.8 Conduct which may lead to disciplinary action includes, but is not limited to:
- a. Poor timekeeping or unreliability
  - b. Failure to comply with station rules, codes and policies
  - c. Failure to pay membership fees or other levies within required timeframe established by the Board
  - d. Engaging in acts or broadcasts which may breach the Community Radio Codes of Practice or other related legislation such as the Broadcasting Services Act 1992 (which includes sponsorship provisions), copyright provisions or defamation or contempt laws
  - e. Engaging in activities for personal advantage
  - f. Inappropriate handling or use of station equipment or other property
  - g. Rudeness, abuse or hostility towards other volunteers or staff members
  - h. Intoxication through alcohol or other substances during participation in station activities
- 8.9 Some conduct may be considered by the Board as 'gross misconduct'; in this instance a person may be dismissed without prior warning. Conduct which may be classed as gross misconduct may include, but is not restricted to:
- a. Verbal or physical harassment or abuse of any other volunteer, employee, member or guest of the station
  - b. Verbal or physical abuse of any other volunteer, employee, member or guest of the station in respect of race, gender, sexuality, disability or religion
  - c. Publicly bringing Gippsland FM into disrepute or making comments on-air criticizing the station or any of its programs or presenters
  - d. Making disparaging on-air comments about any station sponsor
  - e. Wilful damage to or theft of property belonging to the station or other volunteers, employees, members or guests of the station
  - f. Falsification of any of the organisation records for personal gain or misusing station documents
  - g. Commercial misrepresentation of Gippsland FM
  - h. Being engaged in any illegal activity.
- 8.10 In a case of a person being dismissed without prior warnings the right of appeal remains open, however any such appeal shall not invalidate the disciplinary action taken by the Board.

## **9.0 GRIEVANCES**

- 9.1 This policy relates to grievances and complaints within the station. It does not apply to complaints received from parties external to the station (which are covered under the Complaints Handling Policy and the Community Broadcasting Codes Of Practice).
- 9.2 Gippsland FM is committed to maintaining an organisation that embraces equal opportunity and the provision of a harmonious and cohesive station environment. As a community advancement co-operative, it also endeavours to pursue and promote a co-operative approach to all of its activities. As such, the Board shall ensure that:

- a) all station personnel (volunteers, officers, staff and directors) are treated fairly and consistently and not be subject to arbitrary or impulsive or erratic decisions,
- b) all station personnel have reasonable avenues of redress for any sources of conflict which may arise, and
- c) it prevents unlawful discrimination against station personnel.

9.3 The objectives of this policy and its procedures are to:

- Encourage all station personnel to solve matters of conflict before their own involvement or the performance of the station is severely affected,
- Encourage all station personnel to seek appropriate assistance and mechanisms to resolve conflict,
- Allow grievances to be solved quickly and with the mutual agreement between the parties as to the outcome,
- Ensure that the process is fair and seen to be fair to all parties,
- Allow resolution of grievances as close to the source as possible,
- Ensure confidentiality and the protection of rights of all parties involved,
- Assist in maintaining an environment that reflects the right of individuals to fair and equitable treatment, and
- Provide a method of resolving grievances without (unnecessarily) involving external organisations

9.4 The Board shall ensure that principles of good practice are maintained; these include the principles of procedural fairness and principles concerned with the appropriate use of discretion.

The principles of procedural fairness include:

- Providing time to reflect on the information
- The respondent's right to know the allegations
- The rights of both the respondent and the complainant to respond
- The right for any enquiry to be free from bias
- Grievance procedures that are explicit and known to all
- Grievances should be made as soon as practicable after the alleged behaviour or incident occurs
- The grievance should be clearly defined
- The grievance should be dealt with as soon as possible, and
- Prompt action must be taken against vexatious or frivolous complaints and relevant disciplinary procedures applied to protect station members from such conduct.

The principles of appropriate use of discretion require that decisions:

- Take into account all relevant factors and are not based on irrelevant factors
- Are reasonable in the circumstances of the case
- Are made for a proper purpose
- Are based on evidence
- Are not the result of undue influence by a person without appropriate authority
- Are clearly articulated, and
- Are not made in abuse of the position of authority which the decision maker holds.

9.5 Principles of good practice also provide that complainants and respondents are entitled to appropriate representation throughout the process of conflict resolution.

9.6 Confidentiality shall be adhered to during and after the process of making and resolving grievances.

9.7 Whilst it is accepted that conflict is often a necessary and useful part of human endeavour, Gippsland FM shall demonstrate a commitment to work through conflict and adopt policies and practices which prevent or minimise harmful conflict. This outcome can be assisted through the following actions:

- a) the Board providing a clear articulation of station mission, goals and priorities,
- b) all station Board and committee meetings providing a clear understanding of what has been done through the timely publication of minutes documenting decisions and plans,
- c) the Board ensuring that all processes and procedures are clearly articulated and that all station personnel are aware of these,
- d) the Board encouraging good communication between all station personnel and promoting active listening and developing creative means for articulating ideas, and
- e) the Board building a sense of community within the organisation where trust is maintained and station personnel are comfortable challenging and being critical in a constructive manner.

9.8 The Board shall ensure that awareness of this policy by station members is maintained. This shall include placement of the policy on the station web-site and a copy held in an area at the station that is accessible to all station members.

9.9 Governing Processes

- 9.9.1 In the event that a grievance is related to a matter covered by the Rules, the process is outlined in Rule 13 (refer Appendix 1). This Rule applies to grievances between members or a member and the Co-operative.
- 9.9.2 Rule 13 does not apply for grievances that fall outside of the Rules (refer Rule 13 (12)). The Rules do not apply for matters where other contracts exist, e.g. employment, broadcaster agreements, volunteer engagements and related policies. It is also noted that Rule 13 (i.e. Rule 13 (13)) does not apply for membership suspension or expulsion from the co-operative; this is not to be confused with participation in station activities where the Board can execute such actions in accordance with this and other station policies (e.g. Section 8 of this policy).
- 9.9.3 For grievances that are not covered by the Rules, the following Grievance Procedures shall apply.
- 9.9.4 Grievance Procedures For Matters Not Covered By the Rules
- 9.9.5 Station personnel may elect, according to the nature and seriousness of their grievance, to deal with their grievance in one or more of the following ways:
- a) personal resolution,
  - b) an Expression Of Concern or complaint to an appropriate member of the Board, or
  - c) the lodgement of a Formal Grievance to the Board.
- 9.9.6 The choice of the above resolution process in remains with the complainant. A complaint must be made as soon as possible but not later than six months after the alleged event occurred unless sufficient reason for consideration after this time can be established.
- 9.9.7 In the event that anonymous grievances are received by the Chairperson, the Board shall be informed and the Board shall consider the seriousness of the complaint in determining what action, if any, is to be taken.
- 9.9.8 Where resolution is not sought under personal resolution, any director who is contacted by a complainant must not participate in the management of the conflict resolution if that director has a conflict of interest in the matter. The director should advise the complainant immediately of the conflict of interest and advise of another director to be contacted.
- 9.9.9 The Board or any director in receipt of an Expression of Concern or Formal Grievance shall ensure that no victimisation of the complainant or the respondent shall occur as a result of any grievance reported.
- 9.9.10 As a general principle, all those involved in the conflict should be involved in the resolution.
- 9.9.11 Where any group conflict is involved, it is recommended that an external person be used to assist in resolution of the conflict.
- 9.9.12 All records and information gathered shall be managed according to Commonwealth and State privacy legislation.
- 9.10.1 Personal Resolution

A complainant wishing to seek resolution through personal resolution can undertake this process without reporting the incident to anyone, and

- Would discuss and resolve the matter with the person responsible for the complaint, and
- May seek confidential advice in relation to strategies to deal personally with the grievance.

9.10.2 In the event that this process does not produce an acceptable resolution, the complainant can seek further resolution through an Expression Of Concern or a Formal Grievance.

#### 9.11. Expression Of Concern

A complainant wishing to seek resolution through an Expression Of Concern should do so by contacting the appropriate member of the Board as soon as practicable after the cause of the grievance occurs.

9.11.1 Where resolution is sought under an Expression Of Concern, the director contacted by the complainant shall:

- Treat the matter seriously, diligently and with due confidentiality,
- Endeavour to resolve the matter as soon as is practicable, and
- Ensure the resolution process is in accordance with this policy.

9.11.2 The director can handle the matter personally or seek assistance from another director, provided that adequate confidentiality is maintained. In the event that the director wishes to raise the matter with the Board, the view of the complainant should be taken into consideration on this course of action.

9.11.3 The director leading the resolution process shall hold discussions with all parties involved in the conflict to understand the facts and points of view held in order to then determine the appropriate process for resolution.

9.11.4 Depending on the nature of the grievance, the director can choose to:

- (a) identify a solution and seek agreement of all the parties in conflict, or
- (b) undertake conciliation where the parties in conflict are brought together to achieve a resolution acceptable to all parties, or
- (c) facilitate a mediation process with the permission of all parties to a conflict.

9.11.5 The director leading the resolution process shall ensure that written records of the complaint, any salient discussions and the final resolution are prepared and kept in a manner where privacy and confidentiality are maintained.

9.11.6 In the event that the above process does not produce an acceptable resolution, the complainant can pursue a formal grievance process through the Board.

#### 9.12 Formal Grievance Process

A complainant wishing to seek resolution through a Formal Grievance procedure should lodge a formal written grievance with the Chairperson or

another director if the Chairperson is thought to be conflicted in such a complaint. Written grievances should be marked "Confidential" and forwarded as soon as practicable after the event(s) which prompted the grievance.

9.12.1 Where resolution is sought under a Formal Grievance process, the Chairperson (or other director) contacted by the complainant shall:

- Ensure that the grievance is documented by the complainant,
- Treat the matter seriously, diligently and with due confidentiality,
- Endeavour to resolve the matter as soon as is practicable, and
- Ensure the resolution process is in accordance with this policy.

9.12.2 Depending on the nature of the complaint, the Chairperson shall advise the Board of the grievance in a timely manner. The Board shall determine the appropriate course of action to resolve the conflict.

9.12.3 At its discretion, the Board shall choose any of the following methods of resolution:

- (a) identify a solution and seek agreement of all the parties in conflict, or
- (b) undertake conciliation in accordance with section 5 of this policy where the parties in conflict are brought together to jointly develop a solution acceptable to all parties, or
- (c) facilitate a mediation process in accordance with section 6 of this policy with the permission of all parties to a conflict, or
- (d) determine an appropriate Board resolution after considering all the facts and allowing all parties involved in a conflict to give evidence to the Board.

9.12.4 In the event that a resolution is made under clause 9.12.3(d), the Board shall advise the complainant and all others involved in the conflict within seven days of its decision. The complainant may have a right of appeal to the Board which must be lodged in writing to the Chairperson within fourteen days of receiving the decision of the Board.

9.12.5 In the event that an appeal is lodged, the Board shall hear the appeal within fourteen days or sooner if circumstances require and make a finding on the appeal within twenty-one days of the appeal being lodged. The Board shall advise the appellant and all other parties to the conflict in writing of its decision at that time and that decision shall be final.

## 9.13 Conciliation

9.13.1 Conciliation refers to the process where the complainant and the respondent are assisted to reach a resolution acceptable to both parties. Conciliation is a process where:

- (a) participants in a conflict agree on the appointment of a neutral person or ask the Board to identify such a person and meet with the neutral person, present their views about the conflict and allow the neutral person to

assist in achieving a negotiated solution that is acceptable to all parties involved in the conflict,

- (b) each party speaks to the neutral person in turn, without interruption by other parties to the conflict; other parties listen reflectively and problems or causation are identified,
- (c) the neutral person and the parties in conflict can jointly negotiate an acceptable resolution, or
- (d) in the event that a mutually acceptable resolution is not achievable, the neutral person should make a recommendation on the resolution and advise this to all parties in conflict and the director responsible for managing the conflict resolution process.

9.13.2 If conciliation is used under a conflict raised through an Expression of Concern, the complainant shall have a right of appeal to raise a Formal Grievance under section 4 of this policy.

## 9.14 Mediation

9.14.1 Mediation refers to a situation where the parties in conflict are willing to discuss their grievance with a trained mediator. Mediation is a process where:

- (a) participants in a dispute, together with an appropriately trained neutral person (mediator), systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs,
- (b) an emphasis is on the participants' own responsibility for making decisions that affect their lives,
- (c) both parties to a conflict are willing to discuss the conflict with a neutral person and expect to arrive at a mutually acceptable outcome within a reasonable period of time, and
- (d) both parties agree with the person appointed to the role of mediator.

## 10.0 HEALTH AND SAFETY

10.1 The commitment to the health and safety of all station personnel is a primary objective of the Board and it shall ensure that the station has the relevant systems and controls in place to maintain the well-being of all personnel and members of the public who visit the station at any of its premises.

10.2 Where the station actually employs paid staff, the station is defined as "employer" under the Occupational Health And Safety Act 2004 (Vic) and obligations are outlined in that Act.

10.3 While some of the legal obligations under the Victorian OHS Act relate specifically to employees, the Board shall treat station volunteers as if they were paid employees will demonstrate a commitment to their health, safety and wellbeing.

- 10.4 In order to achieve health and safety objectives, the Board will ensure that:
1. The working environment is maintained to a standard which is safe and without risks to the health of all station personnel,
  2. People are not exposed to risks to their health or safety arising from the conduct of station operations or business,
  3. Station personnel are consulted and able to be involved in decisions relating to health and safety,
  4. Appropriate monitoring is maintained on workplace conditions and the health of station personnel,
  5. Mandatory checks are made on equipment including fire extinguishers, electrical items, battery systems and other items relevant to maintaining a safe and healthy workplace.
- 10.5 The station shall use the Victorian Worksafe Volunteer Health And Safety Handbook to guide its approach on health and safety matters. The key elements of this include:
1. Maintaining appropriate levels of insurance for all employees and volunteers,
  2. Being committed to high standards of health and safety practices and consultation with station personnel,
  3. Taking a systematic approach to risk assessment and control – based on the following:
    - a. Identifying hazards and potential hazards
    - b. Identifying those who could suffer injury or illness
    - c. Prioritizing risks
    - d. Taking steps to remove or control risks
    - e. Reviewing risk assessments and control measures.
  4. Thinking about all risks including those which may arise due to age or language or physical profiles of station personnel,
  5. Ensuring that station personnel are adequately trained and inducted for the roles being undertaken,
  6. Having clear emergency and first aid arrangements, including exit plans and processes to follow in an emergency, and
  7. Processes to support those injured or ill due to participation with the station.
- 10.6 Covid Legacy
- The station will encourage presenters and station personnel in general to observe the following:
- Stay away from the station when suffering illness or injury which may impede the ability to undertake the role required or cause transmission of disease or illness to others;
  - Avoid hot-seating in the studios – by following on in the alternate studio for broadcasting or pre-recording;
  - Presenters to provide their own headphones for personal use, noting that the station will no longer provide such equipment;
  - The station will issue each presenter with a microphone cover (“mike sock”) for their personal use; presenters are encouraged to keep these clean and use them each time they broadcast.



## **11. BULLYING AND OCCUPATIONAL VIOLENCE**

11.1 Gippsland FM shall endeavour to ensure that all station personnel are not exposed to bullying or occupational violence; these are defined in the following definitions.

Bullying is unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety. Such behaviour includes:

- Verbal abuse
- Humiliation
- Excluding or isolating a person
- Psychological and/or emotional harassment
- Intimidation
- Assigning meaningless tasks unrelated to the role or task
- Deliberately changing rosters to inconvenience a person or persons
- Deliberately withholding information that is vital for effective performance

Occupational violence can include:

- Striking, kicking, scratching, biting, spitting
- Throwing objects
- Pushing, shoving, tripping, grabbing,
- Any form of physical contact (especially indecent contact)
- Victimisation

Perpetrators can be a co-worker, a client or a stranger/visitor/contractor.

11.2 In order to protect station personnel from such exposure, the Board shall follow the procedure for managing incidents of bullying and occupational violence as follows:

- a) Process
  - i. Incidents to be advised in writing to the Board,
  - ii. The Board to investigate in a fair and impartial manner incorporating the principles of natural justice,
  - iii. No victimisation of those who make a report,
  - iv. Existing grievance procedures to apply in regard to timing and response,
  - v. Disciplinary action to be appropriate to the offence committed.
- b) Awareness of policy and procedures to be undertaken by publication to station personnel and inclusion in training and induction courses.
- c) Encouragement of reporting of improper behaviour so that risk identification and controls can be implemented.

## **12. SEXUAL HARRASSEMENT**

12.1 Gippsland FM shall endeavour to ensure that all station personnel are not exposed to sexual harassment and in the event that such harassment does occur that station management can respond effectively through compliance with this policy.

The guiding principles of this policy are to:

- provide a safe working environment which is free from sexual harassment;
- support diversity and inclusive work or participative practices;
- promote respect amongst all people involved with the station;
- encourage fair and equitable treatment of all people involved with the station;
- ensure all station personnel have redress against any harassment which occurs in relation to station activities; and
- to inform station personnel or those whom interact with them that they may be personally liable if allegations of harassment are substantiated against them.

## 12.2 Policy Statement

Gippsland FM is committed to providing a safe environment for all its volunteers, members and employees, free from discrimination on any ground and from sexual harassment. Gippsland FM will operate a zero tolerance policy for any form of harassment in the station or related to station activities anywhere else. All forms of sexual harassment are prohibited whether it takes place within the premises or outside of Gippsland FM, including at social events, trips or visits on behalf of the station, training sessions or conferences related to station activities.

12.3 The Board will treat all incidents seriously and promptly investigate all allegations of sexual harassment.

12.4 No person will be victimised for making a complaint relating to sexual harassment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence.

12.5 Any person found to have committed such offences will face disciplinary action, up to and including dismissal from employment or participation in station activities.

12.6 In order to protect station personnel from such exposure or to provide redress for any offences committed in relation to this policy, the Board shall champion the policy by regularly promoting the behavioural standards required, being a role model for such behaviours and strictly adhering to the policy and the procedures outlined in this document.

## 12.7 Definition Of Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment or involvement, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

- Physical conduct
  - Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;

- Physical violence, including sexual assault;
- Exposing part of the body;
- Physical contact, e.g. touching, pinching; and
- The use of activity or job-related threats or rewards to solicit sexual favours.
  
- Verbal conduct
  - Comments on a worker's appearance, age, private life, etc;
  - Sexual comments, stories and jokes;
  - Sexual advances;
  - Repeated and unwanted social invitations for dates or physical intimacy;
  - Insults based on the gender of the person;
  - Condescending or paternalistic remarks; and
  - Sending sexually explicit messages (by phone or by email or other).
  
- Non-verbal conduct
  - Display of sexually explicit or suggestive material;
  - Sexually-suggestive gestures;
  - Whistling; and
  - Leering.

[It is noted that the foregoing is not an exhaustive list and that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient.]

## 12.8 Nature Of Unacceptable Behaviour

- (a) Anyone can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. Gippsland FM recognises that sexual harassment may also occur between people of the same gender. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.
- (b) Gippsland FM recognises that sexual harassment can be a manifestation of power relationships and often occurs within unequal relationships in any environment, for example between a manager or director and an employee or station volunteer. Anyone, including members, volunteers, employees, clients, customers, casual workers, contractors or visitors of Gippsland FM who harasses another will be treated in accordance with this policy.

[Note: It can be difficult for the station to deal with sexual harassment when it is perpetrated by third parties, however Gippsland FM is committed to the well-being of its personnel and will endeavour to take action if the harassment occurs in relation to activities associated with this organisation.]

## 12.9 Complaints About Sexual Harassment

[Note: Although complaints of sexual harassment can be dealt with through the normal complaints process outlined in the station rules and related policy procedures, Gippsland FM has adopted these procedures to deal specifically with complaints relating to offences envisaged under this policy to better respond to the needs of victims and to ensure that investigations are carried out in a proper manner].

12.9.1 Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Gippsland FM recognises that such harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser of their concerns.

12.9.2 If a victim cannot directly approach an alleged harasser, he/she should approach the designated officer responsible for receiving complaints of sexual harassment. At Gippsland FM, this person is the Chairperson unless the Chairperson is the subject of the complaint, absent or unwell or otherwise indisposed, then the Secretary shall be designated officer.

[Note: It is important to give the victim options for reporting the matter and this will on the nature of the complaint. The need for options for reporting is very important because having one person only to report to limits the ability of the victim to avail themselves of the complaints procedure. If for example, the harasser is also the designated person, the designated person is away on leave, or the victim would rather report it to a woman than a man or to a man than a woman and the designated person is a man, woman, etc.]

12.9.3 When the designated person receives a complaint under this policy, he/she will:

- a. immediately record the dates, times and facts of the incident(s);
- b. ascertain the views of the victim as to what outcome he/she wants;
- c. ensure that the victim understands the station's procedures for dealing with the complaint;
- d. discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome;
- e. keep a confidential record of all discussions;
- f. respect the choice of the victim; and
- g. ensure that the victim knows that they may lodge the complaint outside of the station through the relevant legal channel

12.9.4 Gippsland FM understands the need to support victims in making complaints. Throughout the complaints procedure, the Board will assist the victim with a trained counsellor to provide personal support and to help victims of sexual harassment navigate the complaints procedures.

12.9.5 Informal complaints mechanism

If the victim wishes to deal with the matter informally, the designated person will:

- a. give an opportunity to the alleged harasser to respond to the complaint;
- b. ensure that the alleged harasser understands the complaints mechanism;
- c. facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator to resolve the matter;
- d. ensure that a confidential record is kept of what happens;
- e. follow up after the outcome of the complaints mechanism to ensure that the behaviour has ceased; and
- f. ensure that the above is done speedily and within twenty-eight days of the complaint being made.

#### 12.9.6 Formal complaints mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The designated person who initially received the complaint will refer the matter to the station Board which will appoint a person to oversee a formal process as described below. This person appointed may:

- a. investigate the matter him/herself; or
- b. refer the matter to an internal or external investigator; or
- c. refer the matter to a committee of two others in accordance with this policy.

The person carrying out the investigation will:

- a. interview the victim and the alleged harasser separately;
- b. interview other relevant third parties separately;
- c. decide whether or not the incident(s) of sexual harassment took place;
- d. produce a report detailing the investigations, findings and any recommendations for the Board to implement;

If the harassment took place, the person appointed by the Board under clause 4.6 will recommend to the Board what the appropriate remedy for the victim is, in consultation with the victim, i.e.

- a. an apology;
- b. a change to working arrangements;
- c. training for the harasser;
- d. suspension;
- e. dismissal; or
- f. other disciplinary action and
- g. follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome.

If the person appointed by the Board under clause 4.6 cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the station and will:

- a. keep a record of all actions taken;
- b. ensure that the all records concerning the matter are kept confidential;
- c. ensure that the process is undertaken as quickly as possible and in any event within 28 days the complaint being made or 28 days after the formal complaints process was initiated if an informal process preceded the formal complaints process.

[Note: If a committee is created to assist the investigation, the committee should be set up bearing in mind gender-balance and could include a representative of the Board, a volunteer representative or a person with expertise in managing sexual harassment. It is also vital that the wishes and needs of the victim are incorporated into the outcome of the complaints mechanism.]

#### 12.9.7 Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint to a person or organisation external to Gippsland FM. However, the victim should

advise the designated person prescribed in clause 12.9.2 of this policy of their intention to adopt this course of action. Gippsland FM respects the rights of victims to undertake external resolution of a sexual harassment claim and will assist the victim in this approach.

#### 12.9.8 Criminal Offences

Some types of sexual harassment may also be unlawful under criminal law. These include indecent exposure, stalking, sexual assault and obscene or threatening communications, such as phone calls, letters, emails, text messages and posts on social networking sites. Station personnel who believe they have been the victim of a criminal offence are encouraged to report the incident to Victoria Police as soon as possible, as well as reporting the matter to the designated person prescribed in clause 12.9.2 of this policy.

#### 12.9.9 Sanctions And Disciplinary Matters

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Such sanctions may range from warnings to suspension or dismissal from station participation.

Serious cases of harassment, including physical violence, will result in the immediate dismissal of the perpetrator.

#### 12.9.10 Confidentiality

Disclosures of sexual harassment will be treated in confidence in order to protect the privacy of the victim and alleged harasser. However, in some instances, a matter may need to be escalated or referred without agreement from the victim, particularly in circumstances that may:

- constitute a criminal offence;
- constitute an occupational health and safety risk; or
- require disciplinary action.

If a matter needs to be escalated or referred without agreement, the person handling the matter will notify the person who made the disclosure of who has been informed of the disclosure.

### **13. VULNERABLE PEOPLE**

13.1 While all people involved with Gippsland FM must be protected from harm, the station acknowledges that there are additional legislative and ethical considerations for protecting vulnerable people.

Vulnerable people can include station staff, volunteers, members and third party suppliers and partners who may be:

- children
- seniors
- people with impaired intellectual or physical functioning
- people from a low socio-economic background
- people who are Aboriginal or Torres Strait Islanders
- people who are not native speakers of the local language
- people with low levels of literacy or education

- people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.

Harm to Vulnerable People can take many forms, including:

- sexual harassment, bullying or abuse
- serious sexual offences, such as rape
- threats of violence or actual violence
- verbal, emotional or social abuse
- cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crimes
- coercion and exploitation
- abuse of power.

These incidents of harm can lead to consequences, such as:

- mental and physical health issues, or even death, for affected people
- civil or criminal sanctions for the charity or individuals
- community anger
- reputational damage and negative media attention
- disruption to services
- decrease in team cohesion, morale and productivity, and
- inability to attract staff and volunteers.

13.2 In order to recognise vulnerability in its various forms as the first step towards being able to protect vulnerable people, the Board will ensure that it is able to identify and manage the relevant risks it faces and do so in the context of the station's unique and specific circumstances.

13.3 The Board shall undertake the following steps and review these on an annual basis or more regularly if vulnerable people are involved or are deemed by the Board to be at a greater risk of harm.

- a. Identify and assess the risks of harm to those involved in the station,
- b. Commit to managing the risks involved when working with vulnerable people, including the inclusion of the risk of harm to vulnerable people and its mitigation in the station's Risk Register which is to be regularly reviewed in accordance with the station's Governance Policy,
- c. Prevent harm and mitigate risks with clear and effective policies and procedures,
- d. Engage people, including third parties, to assist in managing such risks where deemed necessary by the Board,
- e. Detect changes in risks, instances of harm and of non-compliance with any legal, policy or procedural requirements,
- f. Take action when concerns, suspicion or complaints arise, and
- g. Satisfy itself that the risks of harm to vulnerable people are being managed through a formal review and declaration.

13.4 The Board shall ensure that accepted governance standards are applied such as those published by the Australian Charities and Not For Profit Commission. To assist in complying with these standards, the Board will ensure that:

- It is familiar with the main areas of regulation for the station,
  - Directors are aware of their specific legal obligations under the CNL,
  - It has appropriate policy and procedures to protect station finances and assets, and
  - Has processes to ensure compliance with the station's legal obligations.
- 13.5 If any complaint is made by a Vulnerable Person or any director is aware of possible harm occurring within the station, the procedures outlined under 12.9 of this document shall be followed.

## **14. AWARDS AND RECOGNITION**

### **14.1 Life Membership**

The provisions relating to this award are outlined in the Rules (see Rule 12 in Appendix 1).

### **14.2 Hall Of Fame**

Given that life membership is limited in its application, i.e. only one person can be awarded each year, the Board established another form of recognition to acknowledge a greater number of volunteers who have made a long standing commitment to Gippsland FM. The additional award system is the Hall of Fame.

The criteria for the Gippsland FM Hall of Fame is as follows:

1. The nominee has completed ten years of voluntary service to the station,
2. If the nominee is a presenter, such service has included activities other than broadcasting or the contribution to broadcasting has been important,
3. If the nominee is a non-presenter, such service is recognised as a contribution to station development, and
4. The nominee has earned the respect of their peers at the station.

The process for establishing Hall of Fame inductees is as follows:

1. The nominations to the Hall of Fame are determined by the Board once each calendar year,
2. There is no limit on the number of nominations made each year – as long as the criteria have been met, and
3. Some form of recognition (ceremony and on-going honour Board) is to be retained for all inductees.



## **APPENDIX 1**

The rules of the co-operative relating to membership are outlined as follows.

### **Part 2 Membership**

#### **Division 1 Membership generally**

#### **4 Active membership provisions (CNL ss112(2), 144, 148 & 156–166)**

##### **(1) Primary activity**

For the purposes of Part 2.6 of the Law, the primary activities of the co-operative are:  
To operate community radio station 3GCR to provide educational programs, community access programs, high quality music and other such radio programs considered suitable for members of the co-operative and the people of the Gippsland District.

##### **(2) Active membership requirements**

A member must pay the annual levy by the due date or such further specified date in the current year as allowed by the board to establish and maintain active membership of the co-operative.

**Note.** Failure to maintain active membership may lead to cancellation of membership (see rule 16).

#### **5 Qualifications for membership (CNL s112)**

A person qualifies for membership of the co-operative if the person is able to use or contribute to the services of the co-operative.

#### **6 Entry fees and regular subscriptions (CNL s124)**

- (1) The entry fee for an application for membership is nil.
- (2) The regular subscription (also known as a periodic membership fee) is to be an annual fee established by the board and varied as required from time to time.
- (3) Regular subscription fees are due on the 1st of September each year, and must be paid by 30th November each year.
- (4) The co-operative may determine that any new member who joins after the start of a financial year must, for that financial year, pay the full annual subscription fee and can then pay a pro-rata amount in the second year of membership such that subsequent annual fees are payable from 1 September each year thereafter.
- (5) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

#### **7 Membership applications**

- (1) Applications for membership must be lodged at the registered office in the application form approved by the board, and should be accompanied by payment of any applicable entry fee or

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- subscription set under rule 6.
- (2) Every application must be considered by the board.
  - (3) If the board approves of the application, the applicant's name and any other information required under the Law must be entered in the register of members within 28 days of the board's approval.
  - (4) The applicant must be notified in writing of the entry in the register and the applicant is then entitled to the privileges attaching to membership.
  - (5) The board may, at its discretion, refuse an application for membership. However an application may only be rejected if:
    - (i) there are reasonable grounds to believe that the applicant would not abide by the rules and objectives of the co-operative; or<sup>[11]</sup><sub>[SEP]</sub>
    - (ii) required by law; or
    - (iii) there are reasonable grounds to believe that the applicant would not abide by the Community Broadcasting Code of Practice; or
    - (iv) there are reasonable grounds to believe that the applicant would pose a risk to the members or the association; or
    - (v) there are reasonable grounds for believing that the person will not be an active member of the co-operative.
  - (6) If a membership application is refused:
    - (i) the board must assign reasons for the refusal and advise the applicant in writing within fourteen days of the resolution, the grounds on which it is based and information regarding the rights of the applicant to reply and appeal to overturn the resolution. In the event that no reply or appeal is lodged within the period prescribed in these rules, any amounts accompanying the application for membership must be refunded within 28 days without interest.
    - (ii) the applicant shall have the right of reply and appeal. Where the applicant exercises the right of reply and appeal, the applicant must exercise their right of reply and appeal in writing to the board within 14 days of the date on which the notice is sent by the board.
    - (iii) the resolution of the board is of no effect unless the appeal process has been completed in accordance with this rule 6 and rule 7 or rule 8 of these rules as applicable.
  - (7) If an applicant for membership exercises the right to reply and appeal against a resolution of the board to refuse membership, the board must:
    - (i) provide an opportunity for the applicant to address the board at a meeting to be held within 28 days of the notice of appeal being received by the board,
    - (ii) advise the applicant of the date, place and time of the meeting where the appeal shall be heard,
    - (iii) advise the applicant that they can attend and speak at that meeting or submit to the board at or prior to the date of the meeting written representations relating to the resolution,
    - (iv) give due consideration to any verbal presentation or written representations submitted to it and by resolution determine whether to confirm or revoke the original resolution refusing membership,
    - (v) upon a resolution of the board to reject an application for membership being overturned on reply or appeal and payment of the required membership fee by the applicant, the board must enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the co-operative.
  - (8) A rejected applicant for membership may subsequently appeal to the co-operative at a general

meeting if the appeal to the board is unsuccessful. If a rejected membership applicant is to make such an appeal, the rejected applicant must lodge a notice advising of such an appeal with the Secretary within seven days after the notice of resolution rejecting membership is served on the rejected member. On receipt of such a notice from the rejected applicant, the Secretary must notify the board which is to convene a general meeting of the co-operative within 28 days after the date on which the secretary received the notice. At a general meeting of the co-operative convened under this clause:

- (i) no business other than the question of the appeal is to be transacted,
- (ii) the board and the rejected applicant member must be given the opportunity to state their respective cases orally or in writing, or both, and
- (iii) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

If at the general meeting the co-operative passes a special resolution in favour of the resolution by the board to reject the application for membership then the matter is closed. If the co-operative passes a special resolution to overturn the resolution of the board to reject the membership application and payment of the required membership fee has been made by the applicant, then the board must enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the co-operative.

## **8 Cessation of membership (CNL s117)**

A person ceases to be a member in either of the following circumstances:

- (a) if the membership ceases in any circumstances specified in section 117 of the Law;
- (b) if the member no longer qualifies for membership under rule 5.

## **9A Suspension of members**

- (1) The co-operative may suspend a member for not more than one year, who does any of the following:
  - (a) contravenes any of these rules;
  - (b) fails to discharge obligations to the co-operative, whether under these rules or a contract;
  - (c) acts detrimentally to the interests of the co-operative.
- (2) In order to suspend a member, the procedure for expulsion of a member set out in rule 9 is to be followed as if references to expulsion were references to suspension.
- (3) During the period of suspension, the member:
  - (a) loses any rights (except the right to vote) arising as a result of membership;  
and
  - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the co-operative; and
  - (c) remains liable for any fine that may be imposed.

## **9B Expulsion of members (CNL s117)**

- (1) A member may be expelled from the co-operative by special resolution to the effect:
  - (a) that the member has seriously or repetitively failed to discharge the member's obligations

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to the co-operative under these rules or a contract entered into with the co-operative under section 125 of the Law; or

- (b) that the member has acted in a way that has:
  - (i) prevented or hindered the co-operative in carrying out its primary activity or one or more of its primary activities; or
  - (ii) brought the co-operative into disrepute; or
  - (iii) been contrary to one or more of the co-operative principles as described in section 10 of the Law and has caused the co-operative harm.
- (2) Written notice of the proposed special resolution must be given to the member at least 28 days before the date of the meeting at which the special resolution is to be moved, and the member must be given a reasonable opportunity of being heard at the meeting.
- (3) At the general meeting when the special resolution for expulsion is proposed the following procedures apply:
  - (a) at the meeting, the member must be afforded a full opportunity to be heard and is entitled to call witnesses and cross-examine witnesses called against the member;
  - (b) if the member fails to attend at the time and place mentioned, without reasonable excuse, the member's alleged conduct must be considered and the co-operative may decide on the evidence before it, despite the absence of the member;
  - (c) once the alleged conduct is considered, the co-operative may decide to expel the member concerned;
  - (d) the co-operative must not make a decision on the alleged conduct or on expulsion, except by vote by secret ballot of the members present, in person or represented by proxy or by attorney, and entitled to vote;
  - (e) a motion for the decision is not taken to be passed unless two-thirds of the members present, in person or represented by proxy or by attorney, vote in favour of the motion.
- (4) Expulsion of one joint member means expulsion of all members holding membership jointly with the expelled member.
- (5) An expelled member must not be re-admitted as a member unless the re-admission is approved by special resolution.

### **10 Resignation of members (CNL s117)**

A member may resign from the co-operative by giving four weeks notice in writing in the form approved by the board.

### **11 Monetary consequences of expulsion or resignation (CNL s128)**

- (1) If a member is expelled or resigns from the co-operative, all amounts owing by the former member to the co-operative become immediately payable in full.

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- (2) Subject to section 128 of the Law, payment to the expelled or resigning member of any amount owing by the co-operative to the former member:
  - (a) must be made at the time decided by the board but within one year from the date of expulsion or resignation; or
  - (b) may be applied at the time decided by the board, but within one year from the date of expulsion or resignation, in the manner set out in section 128 of the Law, if there is agreement by the board and former member or if the board considers that repayment would adversely affect the financial position of the co-operative.

### **12 Life Membership**

- (1) The members of the Co-operative may from time to time admit any member to Honorary Life Membership of the Co-operative. Such admission shall be limited to those members who, in the opinion of the members of the Co-operative have rendered exemplary service to the Co-operative and the community in pursuance of the primary activity.
- (2) In order for the members of the Co-operative to admit a member to Honorary Life Membership, the Board must make a recommendation to the annual general meeting of the Co-operative and only one nomination can be made each year.
- (3) Those admitted to Life Membership of the Gippsland Community Radio Society Co-operative Limited prior to the commencement of this Constitution are by force of this clause Honorary Life Members Of this Co-operative.
- (4) Life membership is subject to all the provisions of Division 1 of this Constitution save for clause 6.

## **Division 2 Dispute resolution**

### **13 Disputes and mediation (CNL s129)**

- (1) The grievance procedure set out in this rule applies to disputes under these rules between:
  - (a) a member and another member; or
  - (b) a member (including a former member) and the co-operative.
- (2) If a dispute arises, a party cannot commence any court or arbitration proceedings relating to the dispute unless it has complied with the provisions of this rule, except where a person seeks urgent interlocutory relief.
- (3) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days of:
  - (a) the dispute coming to the attention of each party; or
  - (b) a party giving notice, to each of the other parties involved, of the dispute or grievance.
- (4) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, the parties must, as soon as is practicable, hold a meeting in the presence of a mediator.

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- (5) The mediator is, where possible, to be a person chosen by agreement between the parties, but in the absence of agreement between the parties:
  - (a) for a dispute between a member and another member, a person appointed by the board;  
or
  - (b) for a dispute between a member (including a former member) and the co-operative, a person appointed by a mediation service accredited by the Australian Mediation Association.
- (6) The mediator may (but need not) be a member of the co-operative, unless the member is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
  - (a) give the parties to the mediation process every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator cannot determine the dispute.
- (10) The mediation must be confidential and without prejudice.
- (11) The costs of the mediation are to be shared equally between the parties unless otherwise agreed.
- (12) Nothing in this rule applies to any dispute as to the construction or effect of any mortgage or contract contained in any document other than these rules.
- (13) Nothing in this rule applies to any dispute involving the expulsion or suspension of a member or the imposition of a fine.
- (14) If the mediation process does not result in the dispute being resolved, each party may seek to resolve the dispute in accordance with the Law or otherwise at law.

**Note.** Section 130 of the Law applies if mediation does not resolve the dispute.

## Appendix 2 – Discrimination

Discrimination is defined as treating one person less favourably than another in similar circumstances/situation, when both should be treated the same.

Both Commonwealth and Victorian legislation defines less favourable treatment as being unlawful discrimination on the following basis:

### Victorian

- Nationality or ethnic origin
- Sex
- Marital status
- Parental status - family responsibilities/or childlessness
- Pregnancy
- Religion
- Political beliefs or affiliations
- Physical, sensory, intellectual, or psychiatric impairment or disability, whether present, past, possible future or imputed and including mental illness or disorder, medical record and presence in the body of organisms causing disease, including AIDS or HIV
- Age
- Industrial activity
- Lawful sexual activity
- Physical features
- Status as a carer
- Gender identity
- Breast feeding
- Sexual orientation
- Personal association with someone who has one of the above attributes.

According to item 2.4.7 of National Volunteer Guide (Justice Connect), in Victoria, generally, discriminatory conduct will not be against the Equal Opportunity Act 2010 (Vic) if:

- it is necessary to comply with an order of a court or tribunal, or is authorized by legislation;
- it is necessary to protect the health and safety of any person, including the person being discriminated against (where the discrimination is on the basis of disability, pregnancy or physical features);
- it is necessary to protect property (where discrimination is on the basis of disability or physical features);
- the person is unable to carry out the 'inherent requirements' (essential duties) of the role (and no reasonable adjustments can be made to accommodate the person);
- avoiding the discrimination causes unjustifiable hardship on the organization;
- and others matters described which are less likely to apply to the station.

Further, **Commonwealth** legislation also prohibits discrimination on the basis of:

- Colour
- Social origin
- Criminal record

- Trade union activity
- Immigration or that of a relative or associate
- Medical record
- Age (not withstanding compulsory retirement)
- Sexual preference
- Sexual harassment

Equal opportunity legislation also prohibits the victimisation of individuals, who intend to make a complaint, or, make a complaint.

### **Indirect Discrimination**

A separate category of discrimination contained within legislation relates to indirect or "process" discrimination. Indirect discrimination occurs when a rule, practice or policy, which at face value appears to be neutral in effect, has an unequal or disproportionate impact on a group. An example of indirect discrimination could involve the imposing of "seniority" or minimum service restrictions on eligibility for promotion. This could indirectly discriminate against women because more women than men spend time out of the work force bearing and rearing children.



## **APPENDIX 3 – Gippsland FM Code Of Conduct.**

### **Objective**

The objective of this Code is to set and maintain a standard for acceptable behaviour at Gippsland FM and ensure proper conduct always occurs.

By adhering to this Code all members, employees, , visitors and stakeholders can be assured they are working in a safe and respectful environment, while also safeguarding Gippsland FM's reputation.

### **Accountability**

All individuals are accountable for their own behaviour. Unlawful behaviour will be reported to the police.

### **Responsibilities**

It is each member's responsibility to ensure that they conduct themselves in a manner that complies with this Code and all station rules and policies. Members are encouraged to advise the Board if they see behaviour that does not comply with these requirements, by bringing this to the immediate attention of the Secretary, or a Board member, in writing. It is the Board's responsibility to investigate the breach.

### **No Retaliation**

Gippsland FM will not tolerate retaliation against a member or any other person who reports or participates in an investigation of a possible violation of this Code, station rules or policies, or the law. If a person believes such retaliation has occurred, they are encouraged to advise a Board member. Retaliatory behaviour will result in disciplinary processes being implemented against the perpetrator.

### **Code of conduct:**

This Code Of Conduct outlines appropriate actions for employees and members, whether on station premises or at station events or representing the station in public. The requirements for Gippsland FM personnel are to:

- Act with integrity.
- Work within the Gippsland FM constitution (Rules) and policies.
- Speak to all in a respectful manner i.e. no yelling or abuse.
- Ensure all information provided (verbal or written) is completely truthful.
- Respectfully accept and follow any directions of the Board or station committees, .
- Be impartial and act in the best interests of the station, members and the local community.
- Not seek to confer an advantage or disadvantage on any person.
- Avoid conflicts between any role at the station and personal interests or obligations.
- Act honestly and avoid statements (written or verbal) or actions that will, or are likely to, mislead or deceive a person.

## Gippsland FM People Policies Approved October, 2024

- Treat all people, including our listening community, with the utmost respect and have due regard for their opinions, beliefs, rights and responsibilities.
- Treat station equipment and property with respect and care.
- Ensure all confidential information is kept confidential and that Board approval is obtained where such information is required to be shared .
- Ensure all money handling is open and transparent and meets the station's documented financial requirements.

### **Bullying**

See Bullying and Occupational Violence Policy (Section 12 of this document)

Bullying behaviour is defined as repeated unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety. This type of unwanted behaviour will not be tolerated at Gippsland FM and anybody found to have acted in this way will be subject to disciplinary action.

Violent or unlawful behaviour will be reported to the police.