

1. PURPOSE

The purpose of this Policy Guideline is to provide guidance and clarification for managers and employees regarding the support, payment and/or leave arrangements that will be provided for current and former employees of Life Without Barriers (LWB) who may be called to give evidence in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (Royal Commission).

2. SUMMARY

There is a potential that current or former employees of LWB may be called to give evidence in the course of the Royal Commission regarding:

- matters relating to their current or former employment with LWB;
- matters relating to their previous employment with other entities; and/or
- positions presently held with other entities (e.g. directorships or offices held in other not-for-profits).

Given the scope and expected duration of the Royal Commission, LWB has established this Policy Guideline in order to ensure a clear and consistent approach for the support, payment and/or leave arrangements that will be provided for current and former employees who are required to give evidence.

This Policy Guideline also provides guidance to employees where a potential or actual conflict of interest arises in the course of the Royal Commission.

3. SCOPE & APPLICATION

This Policy Guideline applies to current (and former) employees of LWB.

4. POLICY GUIDELINE

4.1. Current employees called to give evidence relating to LWB

Any employee of LWB who is called to give evidence in the Royal Commission in connection with their employment with LWB, or as a representative of LWB, will be doing so within “the course of employment”.

As such, all employees in this circumstance will be paid their usual remuneration for:

- the time spent giving evidence,
- travelling to/from relevant hearings,
- reasonable time spent preparing their evidence; and/or
- undertaking other activities in connection with giving evidence.

4.2. Current employees called to give evidence relating to another organisation

Current LWB employees may also be called to give evidence in relation to matters which are not connected with their current employment with LWB. This may apply where;

- an employee is called to give evidence relating to a prior position with another organisation;
- an employee is called to give evidence relating to a present office or ongoing involvement (e.g. a Board position) with another organisation; or
- an employee is giving evidence in a private capacity, e.g. as a participant or for a family member.

As the employee's attendance at the Royal Commission in these circumstances is not related to their employment with LWB, the employee will be required to take leave, or make other alternative arrangements.

The following options are available to employees to attend to Royal Commission requirements or activities (unrelated to their employment with LWB):

a) Paid Annual Leave

Employees will be able to access their accrued Annual Leave balance. Applications for Annual Leave will need to be submitted as per the Employee Leave Policy.

b) Paid Long Service Leave

Employees may access accrued Long Service Leave if the employee has an accrued long service leave entitlement, wishes to take it, and the applicable State legislation permits it to be taken. Applications for Long Service Leave will need to be submitted as per the Employee Leave Policy.

c) Alternative hours of work or alternative work duties

An employee's hours of work and/or work duties may be able to varied on a temporary basis to permit the employee to continue working and earning their usual take home pay without the need to take leave whilst preparing for and giving evidence.

The practicality of this option will be assessed on a case by case basis, having regard to the employee's preferences, operational requirements and the extent of Royal Commission-related commitments that are required of the employee.

Employees who wish to be considered for temporary alternative hours or work duties should discuss this with their manager, who will liaise with People Safety & Culture (PSC). The approval of these arrangements must be provided by managers with Delegation 4 or above.

d) Unpaid Leave

Employees will be able to access unpaid leave as an alternative to accrued paid leave entitlements. Applications for unpaid leave will need to be submitted as per the Employee Leave Policy.

e) Paid 'Special' Leave

In order to support employees to participate in the Royal Commission, LWB will also provide access to a maximum of three (3) days paid "special leave". This leave will be provided in

addition to the above options for employees.

Paid special leave can be accessed for the purposes of the employee attending the Royal Commission to give evidence or for the purposes of preparing to give evidence.

Applications for special leave will need to be submitted as per the Employee Leave Policy.

4.3. Former employees called to give evidence relating to LWB

There may be circumstances where a former LWB employee is required to give evidence to the Royal Commission in relation to their employment with LWB.

LWB will consider the financial and non-financial impacts for a former employee who is required to attend the Royal Commission to provide evidence, and provide appropriate supports to the former employee.

This may include:

- Paying expenses for the employee to travel and attend the Royal Commission;
- Providing access to legal support;
- Providing access to LWB's EAP program; and
- Providing appropriate payment for the hours spent by the employee preparing for or giving evidence (where appropriate).

The determination for the appropriate financial and non-financial supports that will be provided to former employees will be made by the Disability Royal Commission Response team in consultation with a National People, Safety & Culture representative.

4.4. Requests for voluntary assistance

Current LWB employees may be asked to voluntarily assist a former employer or another organisation at which they hold a current role in connection with the work of the Royal Commission. For example, employees may be asked to attend meetings or assist with evidence gathering or preparation of submissions. Where an employee has been asked to provide voluntary assistance, the following protocol should be followed:

- Employee's should notify their manager of the request and seek LWB's consent prior to providing such assistance.
- Consent would generally be provided to employees, provided that employees continue to comply with their employment obligations to LWB (e.g. conflict of interest) and provide such assistance outside of work hours. Alternatively, an employee may request paid or unpaid leave to provide voluntary assistance.
- The approval of a request for voluntary assistance must be provided by a manager with a minimum of a Delegation Level 4 and be endorsed by a member of the Disability Royal Commission Response team.

4.5. Conflicts of Interest

It is possible that an employee may be called to give evidence on behalf of another organisation, or

be asked to voluntarily assist another organisation in connection with the Royal Commission, in circumstances which give rise to a potential or actual conflict of interest. In particular, conflict of interest issues may arise in relation to employees who are Board members of other organisations whose activities fall within the terms of reference of the Royal Commission. In these situations, the following applies:

- Employees must notify LWB as soon as practicable after being called to give evidence on behalf of another organisation or being asked to assist another organisation, so the potential or actual conflict of interest can be appropriately managed. This notification must be made to a Director or Executive Director (that is Delegation 3 or 4).
- If it is a voluntary request, and the nature of the request represents a potential or actual conflict of interest that cannot be adequately managed, LWB may decline to permit the employee to participate.
- Direct line managers should obtain relevant information from the employees in their area of responsibility for the purposes of ensuring a Disclosure of Conflict of Interest is on file, in accordance with LWB's Conflict of Interest Policy.

4.6. Employee Assistance Program

Giving evidence before the Royal Commission could be a stressful experience for current or former employees.

LWB will ensure that all current and former employees required to give evidence are provided with access to LWB's Employee Assistance Program.

4.7. Protection from Victimisation

In accordance with the provisions of the *Royal Commissions Act 1902* (Cth), any LWB employee that has appeared as a witness, given evidence or produced a document before the Royal Commission will not be subjected to any prejudice, adverse action or victimisation on account of their involvement with the Royal Commission.