



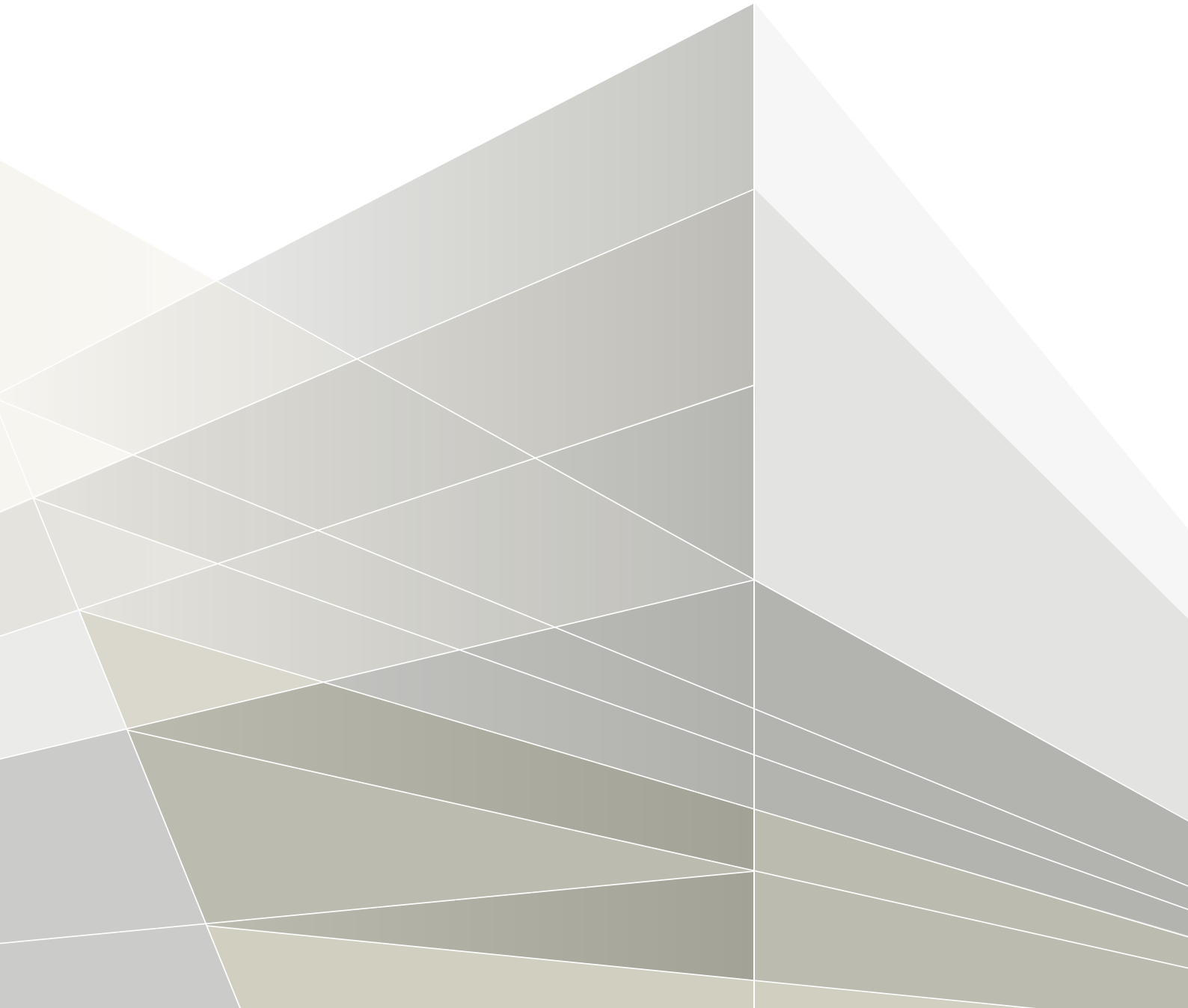
# INDUSTRIAL RELATIONS POLICY

## Policy Document

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Authorised by: Gary Hartley



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## 1. Objectives

Neo Construct Pty Ltd must continually improve the quality of its service, productivity and performance to succeed in an open competitive market. The identification, minimisation, management and resolution of issues, which have an industrial relations impact, are crucial to the achievement of that goal.

Philosophically, we believe that effective management of people through open and honest relationships between managers and employees can facilitate the attainment of positive industrial relations outcomes and consequently produce commercially successful results.

A major aspiration of Neo Construct Pty Ltd is to eliminate lost time and/or production down time arising out of disputes or grievances pertaining to industrial relations. It is to this end that we encourage a cooperative, consultative approach in order to achieve satisfactory resolution to such issues.

## 2. Commitments

### Compliance with Industrial Instruments

Neo Construct Pty Ltd undertakes to comply with all relevant awards and legislative requirements, including the following:

- Fair Work Act 2009 (Cmth)
- Fair Work (Building Industry) Act 2012 (Cth);
- Construction Industry Long Service Leave Act 1997 (Vic)
- Income Tax Assessment Act 1997 (Cmth)
- Superannuation Guarantee (Administration) Act 1992(Cmth)
- Superannuation Guarantee Charge Act 1992 (Cmth),
- Workplace Injury Rehabilitation and Compensation Act 2013
- Equal Opportunity Act 2010 (Vic)
- Occupational Health and Safety Act 2004 (Vic).

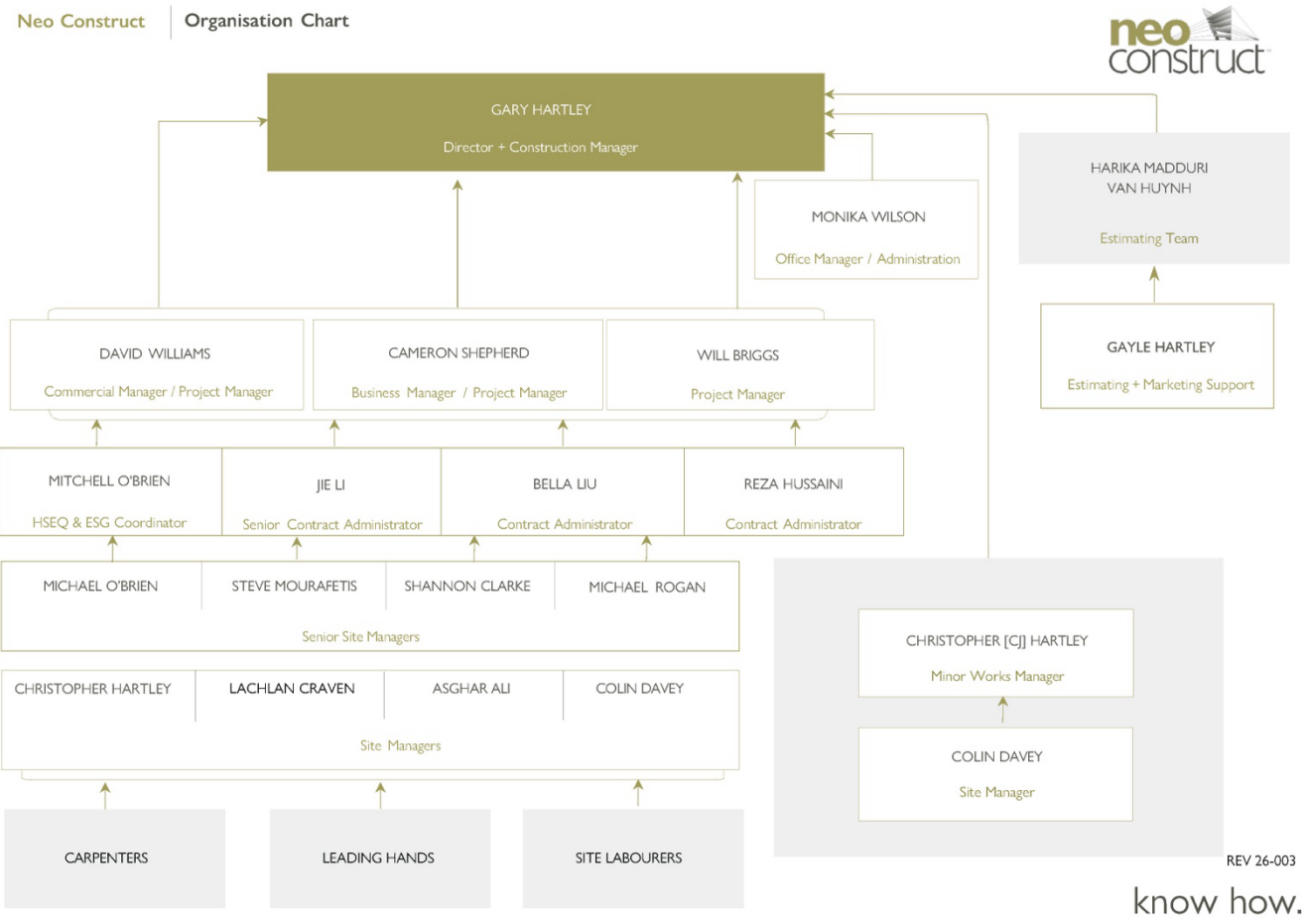
Neo Construct Pty Ltd shall also abide by and give full credence to any industrial relations arrangements, which have been certified, registered or otherwise approved under relevant industrial relations legislation. These include, the Neo Construct Pty Ltd and Fair Work Australia (FWA) Enterprise Agreement dated 24th September 2020.

### Project Agreements

Neo Construct Pty Ltd believes that “Project Agreements” will only be appropriate for major projects. Accordingly, project agreements incorporating site-wide payments, conditions or benefits may be negotiated where the Principal had first authorised the strategy. Such agreements should be developed, where possible, in consultation with subcontractors working on the project.

Hence, in accordance with the above procedures and pursuant to the certification of the Project Agreement or following any other form of approval of the Project Agreement under the relevant industrial relations legislation, the Neo Construct Pty Ltd will fully honour the terms and conditions of the said Project Agreement.

### 3. Organisation Chart



#### **4. Industrial Impacts**

The client of Neo Construct Pty Ltd shall be advised during the progress of the work, and at the earliest opportunity, of any industrial relations or OH&S matter which may have an impact on the construction program, the principal contract and other related contracts or project costs.

#### **5. Freedom of Association**

Neo Construct Pty Ltd is determined to respect the national freedom of association laws as documented in the Fair Work Act 2009. Employees and sub-contractors have the right to belong to or not belong to any industrial association they choose, without it affecting their employment. For employees, “industrial association” generally refers to a union.

This means that, all things being equal, an employee who is a member of a union (or other association) should not be treated less favourably than an employee who is not a member of a union. The reverse is also true.

#### **6. Equal Opportunity**

Employment practices shall ensure equal opportunity and shall not be discriminatory. Unfair discrimination and sexual harassment are prohibited in Victoria by the Equal Opportunity Act 2010 and three Federal Acts; the Racial Discrimination Act 1975, the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 and the Disability Discrimination Act 1992.

Neo Construct Pty Ltd will make sure that employees and those applying for employment receive fair and equitable treatment. Neo Construct Pty Ltd is determined to provide a working environment free from discrimination or victimisation in accordance with the principles espoused by the above-mentioned Acts of Parliament.

#### **7. Subcontractors**

Neo Construct Pty Ltd will ensure that all contractors working for Neo Construct Pty Ltd comply with applicable awards and workplace arrangements, which have been certified, registered or otherwise approved under the relevant industrial legislation. These may include the Certified Agreements with (FWA) registered with the Australian Industrial Relations Commission.

We are committed to achieving industrial peace and harmony on our sites and, to this end, will ensure that our sub-contractors are companies with a reliable track record in industrial relations. This will be determined via thorough industry reference checks with previous clients and head contractors. Interviews with potentially successful contractors will be tailored to elicit their attitudes and policies towards industrial relations. Copies of any industrial instruments to which the contractors may be bound will be requested to be made available for scrutiny to determine whether a culture of industrial co-operation is affirmed and advocated in these documents.

## 8. Consultative Committee

Before any project is entered into, Neo Construct Pty Ltd undertakes to establish a Consultative Committee to discuss and resolve matters affecting staff and to monitor industrial relations on site. The Consultative Committee will have primary responsibility for monitoring the implementation of all applicable industrial instruments.

The Committee shall consist of equal representation of both workers and the employer, and shall not be fewer than four members in total.

The Committee may, at its discretion, call on other persons or experts to attend and advise it on specific matters of concern to the Committee.

Employee representatives will be allowed a reasonable time during working hours to prepare for meetings. The Committee will usually meet at least bi-monthly during the life of a project and will be jointly chaired by a representative of the employers and a nominated representative of the workers.

Neo Construct Pty Ltd representative on the Consultative Committee is -

Name of Officers:	<b>Gary Hartley &amp; David Williams</b>
Title:	<b>Director / Project Manager</b>
Company address:	<b>61 Renver Road, Clayton VIC 3168</b>
Phone:	<b>03 9244 7644</b>
Email:	<b><u><a href="mailto:gary.h@neoconstruct.com.au">gary.h@neoconstruct.com.au</a></u></b>

## 9. Dispute Resolution & Grievance Procedure

All parties are required to make every effort to resolve grievances or disputes with their employees at the enterprise level, in accordance with the procedure outlined in the relevant award or workplace arrangement. The parties are committed to continuing to work towards the elimination of lost time through close consultation and cooperation with those directly affected, and through the effective

- › Industrial Relations Management Plan
- › Grievance/Disputes Settlement Procedures
- ›

The parties committed to continuing to work towards the elimination of lost time through close consultation and co-operation with those directly affected and through the effective operation of these Grievance/Disputes Settlement Procedures.

When a matter is in dispute between the employer and an employee, or a matter arises which is likely to cause a dispute for any reason whatsoever the following procedure shall be followed:

- (a) The matter shall be first submitted by the employee/s or his/her employee representative or other representative to the site foreperson, supervisor or the other appropriate site representative of the Company, and if not settled, to a more senior Company representative.

- (b) Alternatively, the Company may submit an issue to the employee/s who may seek the assistance and involvement of the employee representative or other representative.
- (c) Work shall continue without interruption from industrial stoppages, bans and/or limitations while these procedures are being followed. The pre-dispute status quo shall prevail while the matter is being dealt with in accordance with this procedure.
- (d) Should the matter remain unresolved either of the parties or their representative shall refer the dispute at first instance to the Victorian Building Industry Disputes Panel (which shall deal with the dispute in accordance with the Panel Charter.
- (e) Either party may, within 14 days of a decision of the Panel, refer that decision to (FWC) for review. (FWC) may exercise its conciliation and/or arbitration powers in such review.

Any outcome determined by a third party shall not be inconsistent with the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry, the Fair Work Act 2009, the Building and Construction Industry (Fair and Lawful Building Sites) Code 2014 and other applicable legislation.

This procedure shall be followed in good faith without unreasonable delay. If any party fails or refuses to follow any step of this procedure the non-breaching party will not be obligated to continue through the remaining steps of the procedure and may immediately seek relief by application to (FWC).

AUTHORISED BY:

**Gary Hartley**  
Director



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