

Review of ATA Training Platform

1 Overview

We would suggest that the most efficient way of ensuring the information contained on your platform remains up to date is, wherever possible, to utilise links, fact sheets and resources produced by Fair Work and respective regulatory bodies for the other States and Territories. This will remove the onus placed on the Company to ensure that the pages are updated, noting that employment standards are frequently changed.

2 Breakdown

Item	Webpage name	Comment
1	Horse & Greyhound Training Award	<ul style="list-style-type: none"> We would suggest condensing the information provided on the page to contain the link to the HGTA 2020 Award and the summary of the award provided by Fair Work. This will ensure that information remains accurate and remove the need to consistently update the text.
2	NES Guidelines	<ul style="list-style-type: none"> We would suggest that this page contain the Fair Work Statement and Casual Employment Information Statement (in the form of a link so the statement is automatically updated). We would suggest that the page contains a table with headings in relation to the NES Guidelines and their associated online Factsheet beside it. (See Annexure A).
3	Fair Work Information Statement	<ul style="list-style-type: none"> We note that this link is no longer active. We suggest that the NES Guidelines page be merged with the Fair Work Information Statement Page.
4	Wage Rates	<ul style="list-style-type: none"> This is sufficient and up to date.
5	Allowances	<ul style="list-style-type: none"> This is sufficient and up to date.
6	Public Holidays	<ul style="list-style-type: none"> Current link to public holiday list is not active. Replace with: https://www.fairwork.gov.au/employment-

		<ul style="list-style-type: none"> conditions/public-holidays Link to clause 23 of award is not active. Replace with link to award: https://www.fairwork.gov.au/employment-conditions/awards/awards-summary/ma000008-summary
7	Paid Parental Leave	<ul style="list-style-type: none"> Please refer to Annexure B for suggested inclusions/amendments.
8	Long Service Leave	<ul style="list-style-type: none"> This is sufficient, however the following links need to be updated: <ul style="list-style-type: none"> (a) Northern Territory (b) South Australia
9	Superannuation	<ul style="list-style-type: none"> This is sufficient and up to date.
10	Workcover	<ul style="list-style-type: none"> Workcover section to be reviewed in meeting with Garry. Please see Annexure C for suggested inclusions/amendments. We note that WorkCover NSW's duties have been taken over by three new agencies. The two agencies relevant to ATA are SafeWork NSW (for WHS) and iCare (for insurance). We have included under the NSW section a link to the Employer Claim Form. We have included an additional link to Safe Industries Australia website.
11	Tools	<div> Daily Training Fee Cost Template <ul style="list-style-type: none"> This is sufficient </div> <div> Employer Checklist: <ul style="list-style-type: none"> Replace this with Employee Details Form updated by M+E. </div> <div> Pay Calculator: <ul style="list-style-type: none"> This is sufficient </div> <div> Superannuation Calculator: <ul style="list-style-type: none"> For clarity we would recommend this link be moved to the Superannuation page </div> <div> Tax Tables ATO: <ul style="list-style-type: none"> This is sufficient </div> <div> FAQs <ul style="list-style-type: none"> Should establish that the definition of a casual employee is set out in s15A of the Fair Work Act. The page sometimes conflates the obligations under the award as a 'definition'. A casual employee is defined as someone whose employment relationship lacks a firm and advance commitment to continuing and indefinite work, assessed based on factors such as work patterns and mutual expectations. It is important that employers have this definition in relation to Casual Conversion requests. </div>

Other: We would recommend adding the Medical Questionnaire from Annexure K to the 'Tools' section.

ATA Templates:

(a) Employers COVID-19 Work Travel Letter

- We would suggest that this resource is no longer needed but would recommend keeping a copy for your internal files in case a similar context arises.

(b) Letter of Warning

- We have provided you with the update Fair Work information sheet and letter template at Annexure D.

(c) Letter of Final Warning

- We have provided you with the update Fair Work information sheet and letter template at Annexure E.
- We have included a guide to small business dismissals (see Annexure F).
- We have provided guidelines to publish to the platform detailing how to navigate disciplinary procedures (see Annexure M).

(d) Letter Mandatory COVID 19 Vaccination

- These are sufficient.

(e) Right to Elect & Conversion from Casual to Part-time or Full-time

- Noting your comments in relation to 10.6 of the Award, we have provided advice in relation to how to manage Casual Conversion requests.
- For clarity and consistency around key terms, we would recommend renaming this heading to 'Casual Conversion'.
- We have provided you with a Guide to publish to the website on the Award specifications surrounding

		<p>casual conversion (see Annexure G).</p> <p>(f) Sexual Harassment (Respect at Work Policy)</p> <ul style="list-style-type: none"> We have updated your sexual harassment policy into a Sexual Harassment, Bullying, Discrimination and Victimisation policy/guide to be more comprehensive and provide a uniform approach to these issues (see Annexure H) We have also provided guidelines for employers on how to prevent these instances. <p>(g) Sexual Harassment Notice of Concern</p> <ul style="list-style-type: none"> We have made a minor change to this document to suggest that the employer elects to request an employee sign and acknowledge the notice or a meeting be scheduled to discuss (see Annexure I) <p>(h) Fair Work Australia</p> <ul style="list-style-type: none"> This is sufficient. <p>Trainers Employment Package:</p> <ul style="list-style-type: none"> Please see redrafted package list at (Annexure J)
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Annexure A: NES Page

The National Employment Standard make up the minimum entitlements for employees in Australia. Although other workplace instruments establish employment conditions, the NES is the prevailing authority and workplace instruments such as an award, employment contract, enterprise agreement or other registered agreement cannot exclude the operation of the NES.

Employers are required to give every new employee a copy of the Fair Work Information Statement (see item 12) at the commencement of their employment. Employers are also required to give every new casual employee a copy of the Casual Employment Information Statement (CEIS) when they commence their employment, and at set times throughout their employment.

Please find a summary of the NES standards [here](#), and the respective Fact Sheets produced by Fair Work outlined in the table below.

Item	NES	Fair Work Fact Sheet
1	Maximum weekly hours	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/Maximum-weekly-hours.pdf
2	Flexible working arrangements	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/requests-for-flexible-working-arrangements.pdf
3	Changing from casual to permanent	<ul style="list-style-type: none">
4	Parental leave and related entitlements	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/parental-leave-and-related-entitlements.pdf https://www.fairwork.gov.au/sites/default/files/migration/711/parental-leave-best-practice-guide.pdf
5	Annual leave	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/Annual-leave.pdf
6	Other leave	<ul style="list-style-type: none"> Family and Domestic Violence Leave Sick and carer's leave and compassionate leave
7	Community service leave	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/Community-service-leave.pdf
8	Long Service Leave	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/Long-service-leave.pdf
9	Public holidays	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/Public-holidays.pdf
10	Superannuation contributions	<ul style="list-style-type: none"> https://www.fairwork.gov.au/pay-and-wages/tax-and-superannuation#super-under-the-nes
11	Notice of termination & Redundancy	<ul style="list-style-type: none"> https://www.fairwork.gov.au/sites/default/files/migration/723/Notice-of-termination-and-redundancy-pay.pdf
12	Information Statements	<ul style="list-style-type: none"> Fair Work Statement Casual Employment Information Statement

Annexure B: Parental Leave

Employees are entitled to take parental leave when a child is born or adopted. The term 'parental leave' can include:

- Unpaid parental leave under the Fair Work Act;
- Government funded Parental Leave Pay; and
- Employer funded paid parental leave.

Rules and entitlements that apply depend on what stage of parental leave the employee is in. Please refer to the [Fair Work website](#).

Unpaid parental leave:

Under the NES, an employee can accessed unpaid parental leave when:

- (c) They give birth;
- (d) Their spouse or de facto partner gives birth; or
- (e) They adopt a child under 16 years of age.

Eligible employees can take up to 12 months of unpaid parental leave and can ask to extend their leave for an additional 12 months. To be eligible for the leave, the employee must:

- (a) Have or will have responsibility for the child's care; and
- (b) Have worked for their employer for at least 12 months before the leave starts or the expected date of birth of the child if the leave is starting before the birth of the child.

Note: Casual employees are entitled to take unpaid parental leave if they have worked for their employer on a regular and systematic basis for at least 12 months and have a reasonable expectation that this will continue if not for the birth of the child.

This leave can be taken as a single continuous period, flexibly or a for a combination as both. The leave must be taken within 24 months of the birth or placement of the child. Pregnant employees can start their leave from 6 weeks before the expected date of birth up until 24 months from their child being born or earlier pending their employer's agreements.

The employee must provide written notice to the employer that includes their expected start and end dates and generally has to be given at least 10 weeks before the expected start date (exemptions apply for instances in which appropriate notice cannot be given).

Parental Leave Pay:

An employee may be eligible to receive Parental Leave Pay which allows an employee who is a carer of a child born or adopted from 1 July 2025 to receive up to 24 weeks' Parental Leave Pay to share as a family. This is paid in accordance with the National Minimum Wage.

For more information see the [Fair Work website](#).

Employer Funded Parental Leave:

An employer may offer an employee paid parental leave in addition to the government's Paid Parental Leave scheme. The terms of this benefit should be included in the employee's contract or workplace policies.

Annexure C: WorkCover Page

Worker's Compensation is individual to and different in each State or Territory; with further anomalies due to variations in the treatment of contractors and casual employees.

For obligations relating to the Horse and Greyhound Training Award 2020 (HGTA), contact the ATA's Industrial Relations Team (03) 9372 1688.

For advice in relation to safety policies and procedures specifically designed to protect your business, please contact [Safe Industries Australia](#).

Information regarding an employer's work health and safety obligations can be found [here](#).

State/Territory	Link to Government Agency
New South Wales	SafeWork: <ul style="list-style-type: none"> • Provides advise on WHS • Issues licences and registrations for any hazardous work • Investigates workplace incidents • Helps enforced WHS safety laws across NSW • Employer Claim form found here
Australian Capital Territory	WorkSafeACT
Northern Territory	NT WorkSafe
Queensland	WorkSafe QLD
South Australia	Return to Work SA
Tasmania	WorkSafe Tasmania
Victoria	WorkSafe Victoria
Western Australia	WorkCover WA

Annexure D: Letter of Warning



Warning letter template

Who is this template for?

This template is for employers wanting to provide their employee with a written warning. It also contains a checklist with best practice steps for employers to follow before giving a warning letter.

When do I use this template?

Employers can use this warning letter template to confirm and address a performance or conduct issue with an employee. You usually issue an employee with a warning letter after meeting with them to discuss the problem.

Following this process can help resolve issues before the situation becomes worse.



Managing issues

When managing a performance or conduct issue, it's important that you don't set requirements or targets that are discriminatory, unlawful or otherwise unreasonable.

If you're unsure how to manage a performance or conduct issue, seek advice from a lawyer or your employer association.

Do I need to give a written warning?

There's no legal requirement to provide employees written warnings or a certain number of warnings before ending their employment.

However, to determine whether an employee was unfairly dismissed, the Fair Work Commission will consider if the employee was:

- warned about performance or conduct issues, and
- provided a reasonable opportunity to improve their performance and conduct.



Serious misconduct

Warnings may not be appropriate for serious misconduct. For more information about how to manage serious misconduct, see our Notice and final pay page at fairwork.gov.au/notice

Are you a small business owner?

Small business owners should also follow the Small Business Fair Dismissal Code when considering ending an employee's employment, available at fairwork.gov.au/fair-dismissal-code

Using this letter may help you to comply with the code.

Where can I go for more help?

You can find more information on termination of employment and managing underperformance by:

- visiting our webpage at fairwork.gov.au/termination
- reading our Managing underperformance best practice guide at fairwork.gov.au/bestpracticeguides
- completing our Managing performance online course at fairwork.gov.au/learning

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.



Checklist: Best practice steps for issuing a warning letter

Step 1: Assess the issue

- ☐ Clearly identify the performance or conduct issue.
- ☐ Think about how serious the problem is, how long it has existed, what steps you have already taken to address it and what you are going to do next.

Step 2: Meet with the employee

- ☐ Meet with your employee before issuing a written warning to discuss the issue
 - Try identifying and resolving the issue before the situation becomes worse
 - Clarify your expectations of the employee at the meeting
 - Seek agreement from your employee on a solution to improve the situation
- ☐ Let your employee know they can bring a support person of their choice to the meeting if they want one.
- ☐ Document the details of any performance or conduct meeting held with the employee using the Record of meeting template, available at fairwork.gov.au/templates

Step 3: Create your letter of warning

- ☐ Use our template below to create your warning letter. If you're using another template, make sure your warning letter includes:
 - details of the performance or conduct issue of concern
 - what has been discussed with the employee about the issue
 - what the employer will do to assist
 - an action plan of what steps the employee needs to take
 - a reasonable timeframe in which the changes or improvements need to occur.

Step 4: Provide the warning letter to the employee

- ☐ Ensure that the employee receives the warning letter and document the details of providing the letter (e.g. the time, date, who was there, what was said, etc.).
- ☐ Confirm your employee reads and understands this letter. This could include:
 - asking the employee to sign a copy of this letter and return it to you, or
 - following up with the employee to make sure they received it and keep a note that you did this.

Note: Employees are not required by law to sign a copy of the letter.

- ☐ You should also keep a copy of the letter for your records.



IMPORTANT

The template on the following page has been colour coded to assist you to complete it. You simply need to replace the **<red writing inside the angle brackets>** with what applies to your situation.

Example information is shown in **[purple writing inside square brackets]** to assist you and should be deleted once you have finished.

When you've finished the letter, make sure you change all the text to **black**.

<Print on your business letterhead>

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Warning letter

I am writing to you about your <performance/conduct> during your employment with <name of business>.

[The next part of this letter sets out an example of best practice performance/conduct counseling. It is not prescribed by law. You may not have done all these things or they may not be relevant in your situation so you should delete what is not relevant.]

[If you're a small business it's **very important** that you comply with the Small Business Fair Dismissal Code if you're considering terminating an employee, available at fairwork.gov.au/fair-dismissal-code]

On <insert date> you met with <insert name of others at the meeting>. At this meeting you were advised that your <performance/conduct> has been unsatisfactory, and that immediate improvement is required. In particular you were advised that <insert explanation of unsatisfactory performance or conduct, for example regularly attending work late or not completing required tasks>.

In the meeting you were asked if you had anything you wished to say or to respond to the situation and you <insert details of the employee's response or if no response was provided you can note here that the employee 'did not respond'>.

After considering the situation it is expected that your <conduct/performance> improves and specifically that you <insert advice given to employee regarding improvement of performance or conduct, for example outline deadlines for improvement, specific performance targets set (ensure whatever you require is reasonable and fair in the circumstances and that you have considered any response or reasons from the employee)>.

[It is **very important** that you do not set requirements that are discriminatory, unlawful or otherwise unreasonable. If you are unsure how to manage a performance or conduct issue, seek advice from a lawyer or your employer association.]

This is your <insert what number warning> warning letter. Your employment may be terminated if your <conduct/performance> does not improve by <insert date that is reasonable in this situation>.

I propose that we meet again on <insert date> to review your progress. Please let me know if this time is convenient to you. If you wish to respond to this formal warning letter, please do so by contacting me on <insert phone number> or by replying in writing.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY FOR YOUR RECORDS

Annexure E: Final Warning Letter



Final warning letter template

Who is this template for?

This template is for employers wanting to provide their employees with a final written warning. It also contains a checklist with best practice steps for employers to follow before giving a final written warning.

When do I use this template?

Warning letters are useful to confirm and address a performance or conduct issue with an employee. You usually issue an employee with a warning letter after meeting to discuss the problem.



Are you a small business owner?

If you operate a small business, it is important that you follow the Small Business Fair Dismissal Code when terminating an employee's employment. To view the code, visit fairwork.gov.au/fair-dismissal-code

Using this letter may help you to comply with the code.

When should I issue a final warning letter?

Final warning letters are usually issued to an employee after you have warned them about a particular performance or conduct issue and their conduct or performance has not improved. You can use the Warning letter template for this, available at fairwork.gov.au/templates

Final warning letters should be issued to an employee after you have warned them about a particular performance or conduct issue and provided a written warning, and their conduct has not improved.

Do I need to give a final warning letter?

There is no legal requirement to provide employees with a written warning before ending their employment or a certain number of warnings. However, to determine whether an employee was unfairly dismissed, the Fair Work Commission will consider if the employee was:

- warned about performance or conduct issues, and
- provided a reasonable opportunity to improve their performance and conduct.



Serious misconduct

A final warning may not be appropriate for serious misconduct. For more information about how to manage serious misconduct, see our Notice and final pay page at fairwork.gov.au/notice

Where can I go for more help?

You can find more information on termination of employment and managing underperformance by:

- visiting our webpage at fairwork.gov.au/termination
- reading our Managing underperformance best practice guide at fairwork.gov.au/bestpracticeguides
- completing our Managing performance online course at fairwork.gov.au/learning

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

Checklist: Best practice steps for issuing a final warning letter

Step 1: Identify the problem and consider your options

- ☐ Clearly identify the performance or conduct issue.
- ☐ Think about how serious the problem is, how long it has existed, what steps you have already taken to address it and what you are going to do next.

Step 2: Meet with the employee

- ☐ Meet with your employee before issuing a written warning to discuss the issue
 - Try identifying and resolving the issue before the situation becomes worse
 - Clarify your expectations of the employee at the meeting
 - Seek agreement from your employee on a solution to improve the situation.
- ☐ Let your employee know they can bring a support person of their choice to the meeting if they want one.
- ☐ Document the details of any performance or conduct meeting held with the employee using the Record of meeting template, available at fairwork.gov.au/templates

Step 3: Create your letter of warning

- ☐ Use our template below to create your warning letter. If you're using another template, make sure your warning letter includes:
 - details of the performance or conduct issue of concern
 - what has been discussed with the employee about the issue
 - what the employer will do to assist
 - an action plan of what steps the employee needs to take
 - a reasonable timeframe in which the changes or improvements need to occur.

Step 4: Provide the final warning letter to the employee

- ☐ Ensure that the employee receives the warning letter and document the details of providing the letter (e.g. the time, date, who was there, what was said, etc.).
- ☐ Confirm your employee reads and understands this letter. This could include:
 - asking the employee to sign a copy of this letter and return it to you, or
 - following up with the employee to make sure they received it and keep a note that you did this.

Note: Employees are not required by law to sign a copy of the letter.

- ☐ You should also keep a copy of the letter for your records.



IMPORTANT

The template on the following page has been colour coded to assist you to complete it. You simply need to replace the **<red writing inside the angle brackets>** with what applies to your situation.

Example information is shown in **[purple writing inside square brackets]** to assist you and should be deleted once you have finished.

When you've finished the letter, make sure you change all the text to **black**.

<Print on your business letterhead>

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Final warning letter

I am writing to you about your <performance/conduct> during your employment with <name of business>.

[The next part of this letter sets out an example of a best practice approach to dealing with a performance issue. You may not have done all these things, or they may not be relevant in your situation, so you should delete what is not relevant.]

[Using this letter also assumes you have already provided the employee with a prior written warning about this issue. If you have not done this already, we recommended you use our warning letter template to do this. It's available at [fairwork.gov.au/templates](https://www.fairwork.gov.au/templates)]

[If you're a small business it's very important that you comply with the Small Business Fair Dismissal Code if you're considering terminating an employee. You can get a copy of the code from [fairwork.gov.au/fair-dismissal-code](https://www.fairwork.gov.au/fair-dismissal-code)]

On <insert date> you attended a meeting with <insert name of others at the meeting>. At this meeting you were advised that your <performance/conduct> has been unsatisfactory. You were issued with a formal warning letter dated <insert date>, which stated that if your <performance/conduct> did not improve your employment may be terminated.

[Remove the below section if you are going straight from a first to a final warning letter.]

At our meeting on <insert date>, your <performance/conduct> was again reviewed and you were advised that improvement had not been achieved to the level required by the employer. You were provided with a second warning letter dated <insert date>.

As I advised at our meeting on <insert date>, your performance has not improved and continues to be unsatisfactory.

This is a final warning letter. If significant improvement in your <performance/conduct> is not achieved by <insert date> your employment may be terminated. To reiterate, our expectation is that you <insert details of expected outcomes>.

[It is **very important** that you do not set requirements that are discriminatory, unlawful, or otherwise unreasonable. If you are unsure how to manage a performance or conduct issue, seek advice from a lawyer or your employer association.]

I propose that we meet again on <insert date> to review your progress. If you wish to respond to this final warning letter, please do so by contacting me on <insert phone number> or by replying in writing.

Yours sincerely,

<Insert name>

<Insert position>

Annexure F: Small Business Dismissal Guide

Small Business Dismissal Guidelines

1.1 Aim of Fair Dismissal Code

Legislation: *The Fair Work Act 2009 (Cth)*

Code: *The Small Business Fair Dismissal Code (operating as of 1 July 2009) ("the Code")*

The purpose of the Small Business Fair Dismissal Code is to provide a framework for small business employers to follow when dismissing employees, ensuring that the dismissal process is fair and reasonable.

The code aims to balance the needs of small businesses with the rights of employees, making it easier for small businesses employers to navigate dismissals without facing unfair dismissal claims under the *Fair Work Act 2009 (Cth)*, provided they comply with the requirements of the Code.

1.2 Application of the Code

The Fair Dismissal Code is applicable to small businesses with fewer than 15 employees (including all casual employees who are employed on a systemic basis).

Small Business employees are unable to make any claim for unfair dismissals if they are within the first twelve (12) months of their employment.

If an employee is dismissed after this period, the employer's decision to dismiss the employee will be deemed fair if it can be determined that they followed the Code.

1.3 What constitutes an unfair dismissal?

When considering employee dismissals, small business employers must adhere to specific guidelines to ensure fairness and compliance with the law. The *Fair Work Act 2009 (Cth)* s385(B) outlines the criteria for unfair dismissal, which includes whether the dismissal was:

- harsh, unjust, or unreasonable; and/or
- was inconsistent with the Small Business Fair Dismissal Code.

1.4 How can an employer avoid an unfair dismissal claim?

The Small Business Fair Dismissal Code allows for summary dismissal without notice if the employer believes on reasonable grounds that the employee's conduct is sufficiently serious, such as theft, fraud, or violence.

For other dismissals, the employer must:

Hunter Valley
99 Liverpool St
Scone NSW 2337
P | +61 2 6545 3339

Sydney
2/37 Nicholson St
Balmain East NSW 2041
P | +61 2 9196 8950

ABN | 22 612 111 556
Liability limited by a scheme approved
under Professional Standards.
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- provide a valid reason related to the employee's conduct or capacity;
- warn the employee that they risk being dismissed if there is no improvement;
- give the employee an opportunity to respond and rectify the problem; and
- ensure that the dismissals are not based on discriminatory criteria.

Please note: see outlined below a comprehensive list of considerations that employers should have regard to when beginning a dismissal process.



Annexure G: Casual Conversion Guide

Casual Conversion Guidelines: Horse & Greyhound Training Award

1.1 New definition of Casual Employment

As of 26 August 2024, a new definition of 'Casual Employment' is being introduced under s15A of the *Fair Work Act 2009*. In accordance with this definition, a person is a casual employee if, when they commence their employment:

- The employment relationship has no firm advance commitment to ongoing work, taking into account a number of factors, and
- The employee is entitled to casual loading or specific casual pay rate under an award, registered agreement or employment contract.

1.2 Hiring Casuals under the Award

There are certain restrictions as to when you can employ a casual in a racing stable in accordance with section 10.1 of the Horse & Greyhound Training Award ('the Award').

Under this provision, casual employees may only be engaged in the following circumstances:

- (a) To meet short term work needs; or
- (b) To carry out work in emergency circumstances; or
- (c) To perform work unable to be practicably rostered to a permanent employee.

1.3 What is Casual Conversion?

Additionally, section 10.6 of the Award states that casual employees working for a trainer are afforded extra rights. These casual employees have the right to request to be engaged as a permanent employee after they have worked a regular pattern of hours for 12 consecutive weeks.

1.4 What is a Regular Pattern of Hours?

A regular pattern of hours or work refers to whether the employee was engaged on a regular and systemic basis to do work in the racing stable.

If the pattern is of such a nature that it could continue without significant adjustment if the employee were converted to permanent employment, this relationship would likely constitute a regular pattern of hours.

Hunter Valley
99 Liverpool St
Scone NSW 2337
P | +61 2 6545 3339

Sydney
2/37 Nicholson St
Balmain East NSW 2041
P | +61 2 9196 8950

ABN | 22 612 111 556
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A 'regular pattern of hours' may include some fluctuations or variations over time, such as reasonable absences for illness, injury, recreation and does not need to be absolutely uniform.

A key case example is *Angele v Bed Bath 'N' Table Pty Ltd*, in which the Fair Work Commission found that an employee who worked at least three days a week under a monthly roster system, and with varying days and shift durations was engaged on a regular and systemic basis.

1.5 Obligations as an employer

Casual Conversion Requests

Notably, and the Pathway & Award, employers are **no not required** to make a formal offer to their casual employees to convert to permanent employment.

Rather, no action is required from an employer unless an employee issues a notice regarding their intention to convert as per their right under the Award or the Employee Choice Pathway.

Casual Conversion Refusal

If the employee after 12 weeks invokes their right to convert under the Award, an employer can only refuse an employee's conversion to part time or full time employment if the employee will not continue to work the previous ongoing pattern of hours.

Casual Loading

In accordance with section 10.4 of the Award, casual employees are entitled to casual loading. Casual loading is payable instead of entitlements that permanent employees have access to under the NES.

The casual loading requirements are as follows:

- (a) For each ordinary hour worked, a casual employee must be paid:
 - (i) The appropriate minimum hourly rate; and
 - (ii) A loading of 25% of the appropriate minimum hourly rate.

Engagement Requirements

Under section 10.2 of the Award, a casual must be engaged:

- (b) For a minimum daily period of three (3) hours; and
- (c) Not more than once on each day (meaning the casual can be engaged for the morning shift or afternoon shift, but not both).

Annexure H: Sexual Harassment, Bullying, Discrimination & Victimisation Policy

Workplace Sexual Harassment, Bullying, Discrimination and Victimisation Policy

(Preventing & Managing guide including Support Services)

Prepared by the
Australian Trainers' Association



Version 2 August 2025



Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

PREAMBLE

Under the *Sex Discrimination Act*, organisations have a positive duty to eliminate, as far as possible, the following unlawful behaviour from occurring:

- Discrimination on the ground of sex in a work context
- Sexual harassment in connection with work
- Sex-based harassment in connection with work
- Conduct creating a workplace environment that is hostile on the ground of sex

Related acts of victimisation. Employers are equally obligated to mitigate and respond to instances of bullying and discrimination in the workplace.

To assist Trainers' discharge this responsibility, the ATA has produced this ***Respect at Work - Sexual Harassment, Bullying, Discrimination and Victimisation policy***, which can be used as a guide when introducing measures to educate, manage and/or counter inappropriate behaviours of this nature in the workplace.

INTRODUCTION

It is important for all Trainers (hereinafter referred to as "Employers") to introduce policy to reduce risks associated with workplace sexual harassment.

This policy will: -

- Provides information on what behaviour is deemed to be sexual harassment, bullying, discrimination and victimisation;
- Detail the steps that can assist the Employer to formulate policy to prevent and manage sexual harassment, bullying, discrimination & victimisation in the workplace;
- Disseminate available information that will assist Employers comply with their obligations relating to workplace sexual harassment, bullying, discrimination & victimisation;
- and
- Be used to improve and educate the knowledge of workers generally on the subject of workplace sexual harassment, bullying, discrimination and victimisation.

Workplace sexual harassment, bullying, discrimination or victimisation ('conduct') are issues that may occur in any workplace. Under certain conditions, anyone may be capable of this conduct. All forms of this conduct results in real cost to both your organisation and the individual. It can have an impact on an individual's health and affect their ability to do their job. It can also contribute to loss of productivity, staff turnover, absenteeism, low morale, financial costs, civil actions and penalties.

Intoxication will never excuse conduct of this nature.

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

As an Employer, you are required to provide an environment that is safe for the employees and without risk to their health. This obligation extends to psychosocial hazards, which may include bullying and harassment. An employer must eliminate psychosocial risks, or if that is not reasonably practicable, minimise them so far as is reasonably practicable.

This guide will assist you in preventing and responding to conduct of this nature in the workplace.

A support services resource page is contained in this guide and is provided for your reference at pages 14 and 15. Please note, this information is current at time of publication.

Threats to harm someone, acts of violence, assault, property damage and stalking are criminal matters that should be referred to the police. Your response at the workplace should be proportionate to the seriousness of what has occurred.

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

WHAT IS SEXUAL HARASSMENT?

The *Respect at Work Amendment Act 2021* defines sexual harassment as follows:

- an unwelcome sexual advance
- an unwelcomed request for sexual favours
- other unwelcome conduct of a sexual nature in relation to another person.

To be sexually harassed or to prove/identify sexual harassment has taken place in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated by the conduct. The actual motives or intentions of the person engaging in the conduct are irrelevant.

Conduct of a sexual nature in relation to another person includes:

- a sexual advance or a request for sexual favours to that person;
- conveying a message with content of a sexual nature to that person, or in the presence of that person (whether by way of SMS, email, in person or otherwise);
- staring, leering or unwelcome touching of that person, such as kissing, touching in a sexual manner, patting, pinching or unnecessary familiarity, such as deliberately brushing against the person;
- issuing gender-based insults or obscene gestures to that person, wolf-whistling or taunting that person;
- directing suggestive comments, innuendo or intrusive questions about that person's private life or body;
- displaying obscene or pornographic material to, or near, that person; and
- directing sexual banter, offensive jokes or crude conversation to or near that person.

Conduct between parties that is the subject of mutual acceptance or consent is not unwelcome and therefore not sexual harassment.

Acts of sexual harassment may also constitute criminal offences, such as:

- physical molestation or assault;
- indecent exposure;
- sexual assault and rape;
- stalking; or
- obscene communications (telephone calls, faxes, letters, emails etc.).

For more information, visit [Sexual harassment in the workplace](#).

What is Bullying?

Bullying refers to repeated unreasonable behaviour towards another person or group which creates risk to health and safety.

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. It can include yelling, screaming or offensive language, excluding or isolating employees, psychological harassment, intimidation or undermining work performance by deliberately withholding information vital for effective performance.

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

WHAT IS NOT CONSIDERED WORKPLACE BULLYING?

Reasonable management action is not considered workplace bullying.

It is important to distinguish between a person reasonably exercising their legitimate authority at work in a proper and reasonable way, versus instances of bullying.

Managers and supervisors have a broad range of responsibility including directing and controlling how work is performed. It is reasonable for managers and supervisors to allocate work and give fair and reasonable feedback on a worker's performance. These actions are usually not considered to be bullying if they are carried out in a reasonable manner, taking the particular circumstances into account and delivered in an objective and constructive way that is neither humiliating nor threatening.

"Dissatisfaction or grievances with organisational and management practices or poor management practices are not workplace bullying. At times people may feel that working life is unpleasant and that they are being inappropriately treated, but feeling upset or undervalued at work does not mean an individual is being bullied at work".

What is victimisation?

Victimisation occurs when a person subjects another person to a detriment because that person has, intends to, or is suspected of:

- making an allegation of a contravention of this policy, or
- giving evidence or information in connection with any investigations under the Company's Grievance Policy, or
- otherwise acting under or in relation to this policy or the Company's Grievance Policy,

resulting in the other person feel uncomfortable, isolated, unwelcome, intimidated or insecure.

What is discrimination?

Discrimination occurs when a person, or a group of people, is treated less favourably than another person or group due to a protected personal characteristic.

It is important to understand that a one-off incident can constitute discrimination.

Discrimination can occur in any of the relationships and interactions you have while employed at the Company for instance with a colleague, client or service provider.

When is sexual harassment or victimisation unlawful?

It is unlawful under anti-discrimination legislation for:

- an employee of the Company to sexually harass an employee of this Company, or a person who is seeking to become an employee of this Company;

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

- any person to sexually harass another person in the course of providing, or offering to provide, goods or services to that other person on behalf of this Company; or
- any person to victimise another person who lodges a complaint.

DEVELOPING A SEXUAL HARASSMENT, BULLYING, DISCRIMINATION AND VICTIMISATION POLICY

Employers should ensure they have an up to date policy which clearly addresses this conduct and is developed and reviewed in consultation with the employees' elected workplace representatives. Consultation can also be sought from the ATA. The contents of the policy must be made known to all staff, applied consistently and reviewed regularly.

As part of the policy, clear reporting, investigation and resolution procedures are essential to the good management of Sexual Harassment incidents. Reports that are ignored or mishandled decrease the likelihood that reports will be made in the future. Ignoring or mishandling a report may also send a signal that the behaviour is condoned.

The written policy is only part of the framework. Employers need to follow through with action and regular reinforcement. This includes communicating and promoting the workplace policy via notice boards, at regular team meetings, tool box talks and by talking about it.

The policy should be developed in consultation with the workplace Health and Safety Representative (HSR) and with employees, and communicated to all employees. Furthermore, the policy needs to be part of the induction process for new employees and be constantly reinforced as part of your training (including all staff, this also extends to track riders and office staff). The policy will also require a review date.

There are several ways a policy can be drafted, either in a positive way such as outlining how everyone should be treated at work, or in the alternative, such as what people shouldn't do, or both.

Act promptly when aware of conduct that may constitute workplace sexual harassment, bullying, discrimination or victimisation. It may be raised either by a written or verbal report, by directly observing the conduct, or a worker's compensation claim being made.

Responding quickly to issues raised will stop the situation happening again and send a message to employees that conduct of this nature will not be tolerated and is dealt with seriously by their Employer. **Conduct of this nature that occurs in connection with an individual's employment can be a valid reason for dismissal.**

Early intervention usually suits situations where behaviour may have just occurred or has not escalated, and is a way of resolving an issue without a formal report. **However, a formal investigation must be undertaken for serious allegations.** Discretion should be used to ensure that the conduct is not condoned by a simple cautious reprimand, but clearly identified as unacceptable, no matter how early the intervention.

Like other Occupational Health and Safety (OH&S) and Work Health and Safety (WHS) risks, workplace sexual harassment is best managed by dealing with it as soon as you (the Employer) are aware there is or may be a problem. Failure by an Employer to prevent or address conduct of this nature occurring in connection to the workplace may contribute to the working environment that creates a risk to health and safety.

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

MANAGING CONDUCT OF THIS NATURE

Workplaces can help prevent sexual harassment, bullying and victimisation by creating a safe physical and online working environment, clearly outlined in the sexual harassment, bullying and victimisation policy, including:

1. Providing access to the policy, which includes support services available (such as the Employee Assistance Program), information, instructions, training and support about the importance of preventing and addressing sexual harassment in the workplace.
2. Encouraging reporting of conduct of this nature early, so as to address unwanted or offensive behaviour at an early stage.
3. Putting into place effective Grievance Procedure (see Grievance Policy) which employees can utilise to lodge complaints in relation to this conduct.
4. In the instance of sexual harassment complaints, a complaint can be anonymous and take the form of a “**notice of concern**”. This notice would highlight the facts of unwanted advances towards a person in the workforce and would not need to identify the person reporting the concerns.

The “**notice of concern**” is an effective tool that will place the alleged offender on notice that the behaviour is seen by others as unwelcomed sexual advances and is not acceptable behaviour, while not identifying the person who raised the concerns and advising that the behaviour must cease.

A **Notice of Concern** letter template can be found as **Schedule A** on page 16. **When to investigate**

Where allegations of sexual harassment, bullying, discrimination or victimisation are made, an investigation should be taken immediately in accordance with the Company’s Grievance Policy. The aim of an investigation is to work out what happened and what is the appropriate course of action.

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

How to investigate

Please refer to and enact the procedures outlined in the Company's Grievance Policy.

1. Appoint an impartial and experienced person (someone neutral to all parties involved who has no conflicts of interest) to investigate. You may consider consulting with the ATA for more information about this process.
 - All matters investigated need to be treated seriously and confidentially;
 - Examine all matters impartially;
 - Identify and speak with relevant witnesses, if any, ensuring you make notes or take a statement;
 - Inform everyone involved of the possible investigation results and outcomes;
 - Report on the facts and merits;
 - Hear parties separately (versions of what allegedly happened may differ),
 - Record the facts surrounding the matter (collect any relevant information e.g. text messages, emails, social media posts etc.)
2. As per the Company's Grievance Policy, to ensure that the investigation process is conducted in a fair, objective and timely way, it is important to ensure the respondent:
 - Is fully informed of the allegations against them
 - Is fully informed of the investigation process and possible outcomes (e.g. disciplinary action)
 - Has an opportunity to seek independent advice and representation
 - Is given full opportunity to reply to the complaint/s (in writing)
 - Has their confidentiality maintained
 - Is informed how they can seek a review of a decision
3. As per the Company's Grievance Policy , at the end of an investigation, the person investigating should submit an objective report that:
 - Describes the allegations/what was reported;
 - Describes the investigation processes;
 - Outlines all relevant evidence (including who was interviewed);
 - Concludes whether conduct can or cannot be substantiated;
 - Recommends necessary procedures be put into place to ensure the alleged or confirmed; conduct does not reoccur in the future; and
 - Make any disciplinary recommendations.

The report should be acted on and its key findings communicated in a sensitive way to the complainant and respondent.

Privacy should be paramount to any investigation undertaken.

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

In some circumstances, an investigation may find that a report of this conduct cannot be substantiated, however further action will be needed to ensure that all parties are aware of actions which may lead to offence or discomfort within the workplace.

How to resolve a substantiated complaint

The options to resolve a substantiated complaint will vary according to the nature of the situation, on a case-by-case basis. Actions to resolve complaints are outlined below:

- Direct an employee to stop the behaviour
- Invite an apology
- Individual training
- Coach, counsel and/or mentor an employee/s
- Use disciplinary action
- Legal action/referral to appropriate authorities.

A copy of the “Respect at Work - Sexual Harassment, Bullying, Discrimination and Victimisation” policy is overleaf; it should be displayed in a communal place within your workplace and a copy provided to all employees upon commencement.

RESPECT AT WORK - SEXUAL HARASSMENT, BULLYING, DISCRIMINATION AND VICTIMISATION POLICY

"<<<Insert Trading Name>>>" is a respectful workplace and will not tolerate sexual harassment, bullying or victimisation. The Company is committed to taking all reasonable steps to prevent an employee from committing acts of sexual harassment, bullying, discrimination or victimisation ('conduct') in connection with his or her employment or duties to the Company.

Conduct of this nature occurring after work or away from the workplace may still have a relevant connection with an employee's employment or duties. This policy applies to any conduct occurring after office hours or away from the workplace, including at social activities, where there is a possible connection with the Company.

Definitions

Sexual Harassment:

Unwelcome sexual conduct, including:

- Sexual advances or requests for sexual favours.
- Other unwelcome sexual behaviour (e.g., touching, leering, sexual comments, displaying pornographic material, sexual jokes).

Sexual harassment occurs if a reasonable person would anticipate the behaviour could offend, humiliate, or intimidate. Intentions of the person engaging in the conduct are irrelevant. Consent removes unwelcomeness, so mutual behaviour is not harassment.

Sexual harassment can occur wherever people work together and is not always intentional. Sometimes people do not realise their behaviour can be harmful to others.

The following types of behaviour could be considered sexual harassment:

- a sexual advance or a request for sexual favours to that person;
- conveying a message with content of a sexual nature to that person, or in the presence of that person (whether by way of SMS, email, in person or otherwise);
- staring, leering or unwelcome touching of that person, such as kissing, touching in a sexual manner, patting, pinching or unnecessary familiarity, such as deliberately brushing against the person;
- issuing gender-based insults or obscene gestures to that person, wolf-whistling or taunting that person;
- directing suggestive comments, innuendo or intrusive questions about that person's private life or body;

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- displaying obscene or pornographic material to, or near, that person; and directing sexual banter, offensive jokes or crude conversation to or near that person.

*This list is not exhaustive. Other types of behaviour may also constitute sexual harassment.

Victimisation

Victimisation occurs when a person subjects another person to a detriment because that person has, intends to, or is suspected of:

- making an allegation of a contravention of this policy; or
- giving evidence or information in connection with any investigations under the Company's Grievance Policy; or
- otherwise acting under or in relation to this policy or the Company's Grievance Policy,

resulting in the other person feel uncomfortable, isolated, unwelcome, intimidated or insecure.

Bullying

Bullying refers to repeated unreasonable behaviour towards another person or group which creates risk to health and safety.

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. It can include yelling, screaming or offensive language, excluding or isolating employees, psychological harassment, intimidation or undermining work performance by deliberately withholding information vital for effective performance.

What is not considered workplace bullying?

Reasonable management action is not considered workplace bullying.

It is important to distinguish between a person reasonably exercising their legitimate authority at work in a proper and reasonable way, versus instances of bullying.

Managers and supervisors have a broad range of responsibility including directing and controlling how work is performed. It is reasonable for managers and supervisors to allocate work and give fair and reasonable feedback on a worker's performance. These actions are usually not considered to be bullying if they are carried out in a reasonable manner, taking the particular circumstances into account and delivered in an objective and constructive way that is neither humiliating nor threatening.

"Dissatisfaction or grievances with organisational and management practices or poor management practices are not workplace bullying. At times people may feel that working life is unpleasant and that they are being inappropriately treated, but feeling upset or undervalued at work does not mean an individual is being bullied at work".

Discrimination

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Discrimination occurs when a person, or a group of people, is treated less favourably than another person or group due to a protected personal characteristic.

It is important to understand that a one-off incident can constitute discrimination.

Discrimination can occur in any of the relationships and interactions you have while employed at the Company for instance with a colleague, client or service provider.

Roles and Responsibilities

Employers/Managers

- Promote awareness of the issue amongst the work group;
 - Consult with staff to establish whether respect at work guidelines are adhered to in the workplace;
 - Provide training and instruction to employees about respect at work – sexual harassment, bullying, discrimination and victimisation issues;
 - Enact Grievance Policy procedures when a complaint is lodged;
 - Provide informal counselling reminding the employee accused of the conduct regarding the nature of this policy. No formal findings would be made about the matters that are the subject of the report or complaint.
- Ensure this policy is adhered to and consistently applied.

Employees

- Have a responsibility to abide by safety standards and co-operate with their employer's actions to ensure a safe and healthy workplace is maintained;
- Assist and comply with investigations by their employer regarding this conduct;
- Take reasonable care for the health and safety of others in the workplace.

How to Make a Complaint?

Seek a complaint channel that you both trust and feel comfortable with.

First, raise the issue directly with the person if comfortable approaching them; an approach used could be as follows;

“you said this to me ____ *(describe what happened or was said)* _____. I felt that was not appropriate behaviour, was it your intention to make me feel uncomfortable, because that is what you did”.

Inform the perpetrator that it is not acceptable behaviour and it must stop, or you will make a formal complaint. If they apologise, and you accept it, then the matter can be put behind you both without a formal complaint being lodged.

If you do approach the person directly, it is strongly advised that your manager or supervisor be told about the direct approach you have taken, and that the person and you have or have not resolved the issue directly. Management needs to be aware of your attempts to resolve the matter should the actions by the perpetrator reoccur.

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If there is genuine error of judgement on the part of the perpetrator this action of approaching the person directly should fix the problem, without the need for further investigation and or embarrassment for either party.

Once a complaint is lodged it cannot be withdrawn and action must be taken to find a suitable solution to issues raised, and to ensure there is no reoccurrence in the future in accordance with the Company's Grievance Policy.

If the conduct continues or you don't feel comfortable approaching the person directly, then you must advise your management or supervisor of your concerns.

When a complaint is made it will be treated as a serious matter, be investigated promptly and should be kept confidential where appropriate.

If a complaint cannot be resolved internally, or if you have concerns with raising the issue in the workplace, the following external complaint channels include:

- Australian Trainers' Association (03 9372 1688)
- Racing Stewards – Integrity Department (in your state/territory)
- Australian Human Rights Commission (1300 369 711)
- Fair Work Commission (1300 799 675)

Further information

Australian Human Rights Commission:

- Website: www.humanrights.gov.au
- Phone: 1300 656 419

Fair Work Ombudsman:

- Website: www.fairwork.gov.au
- Phone: 13 13 94

Support services

If you feel unsafe now, **phone 000**.

If there is no immediate danger but you need police assistance, **phone 131 444**.

You can contact the police about any assault that may involve criminal conduct

Contacting the police

Some forms of sexual harassment are criminal conduct.

If you have experienced sexual assault and feel you would like to make a complaint or report to the police, go immediately to the nearest police station.

Alternative go online at the following website;

(<https://humanrights.gov.au/our-work/sex-discrimination/policecontacts-sexual-assault>).

Sexual assault support services

If you have experienced sexual assault or sexual harassment and feel you would like to speak to someone for support or information, 1800RESPECT (Phone: 1800 737 732) can provide counselling 24-hours a day, 7 days a week.

Mental health support services

Lifeline

24-hour crisis support and suicide prevention. Phone: 13 11 14

Website: www.lifeline.org.au/ (<https://www.lifeline.org.au/>)

Beyondblue

Mental health support. Phone: 1300 224 636

Website: www.beyondblue.org.au/ (<https://www.beyondblue.org.au/>)

The information presented in this document is intended for **general use** and **guidance only**. It should not be viewed as a definitive guide to the law and should be read in conjunction with relevant *Commonwealth and State legislation* along with the *Fair Work Act 2009*. This document may also need to be adapted to suit specific circumstances relevant to individual states.

(source of information: Fair Work Commission & Fair Work Ombudsman)

Annexure I: Notice of Concern

Respect at Work reforms - Sexual Harassment, Bullying, Discrimination & Victimisation - Prevention & Management Guidelines

Schedule A

Private and confidential

[Insert employee's full name]

[insert employee's residential or email address]

Dear [insert name]

Notice of Concern

I am writing to you about concerns raised by an independent person/s with regard to your behavior towards another fellow worker.

The concerns raised deal with what is deemed unwelcomed conduct of a sexual nature in relation to another person. I draw your attention to the workplace sexual harassment policy, in particular to the following:

To be sexually harassed or to prove/identify sexual harassment has taken place, it has to be reasonable to expect that there is a possibility that the person being harassed would be offended, humiliated or intimidated by the behavior.

It is a concern that you may have subjected another worker to such behavior and through your alleged actions [list concerns raised, ensure that you **do not identify the person raising the concerns**] may have breached the sexual harassment policy. While you may not be aware of the impact your behavior created, it was noted by others and concerns have been raised about your actions.

This/these alleged actions must **cease immediately**; to continue any such action will impact your employment.

Sexual harassment in connection with an employee's employment can

be a valid reason for dismissal.

It is important that we consider others in a respectful workplace and make better alternative positive choices when dealing in person or online with fellow workers, than those which have resulted in this "**Notice of Concern**" being issued to you.

Option 1: I propose that a meeting be scheduled to discuss your obligations under our workplace policies, after which we will consider the matter closed.

Option 2: Please review the contents of this letter carefully. To confirm your understanding of the matters outlined above, and your obligations in accordance with our workplace policies, we request that you sign and return a copy of this letter. Your signature does not indicate admission of wrongdoing but rather acknowledges that you have received and understood the concerns raised.

[Note: the employee is not legally obligated to sign a copy of the letter. If they sign the letter, keep a copy for your records].

Yours sincerely

[insert name]

[insert position]

Annexure J: Trainer's Employment Package & Workplace Policies

The Australian Trainers' Association has developed a Trainers Employment Package to assist trainers meet their regulatory obligations where they employ staff.

In the Trainers Employment Package, you will find the necessary paperwork required to register yourself as an employer with the Australian Taxation Office (ATO) and with the superannuation fund Nationwide Super (NSF).

Contents of Package

Item	Document	Purpose
1	Drug & Alcohol Policy	Outlines company expectations regarding drug and alcohol use to ensure a safe, healthy, and productive workplace.
2	Sexual Harassment, Bullying, Discrimination and Victimisation Policy	Defines unacceptable behaviours, legal obligations, and complaint procedures to maintain a respectful and compliant workplace.
3	Social Media & Technology Policy	Sets out acceptable use of social media and workplace technology to protect company reputation, data, and productivity.
4	Grievance Policy	Provides employees with a clear process to raise and resolve workplace concerns or disputes fairly and promptly.
5	Surveillance Policies (VIC, NSW & QLD)	Explains the types and purposes of workplace surveillance in compliance with state legislation to ensure transparency and privacy compliance.
6	Small Business Dismissal Guide	Gives employers clear steps for terminating employment in compliance with the Small Business Fair Dismissal Code.
7	Casual Conversion Guide	Informs employers and employees about the process for converting casual employment to permanent status under Fair Work rules.
8	Disciplinary Procedures Guide	Outlines the steps for addressing employee misconduct or poor performance fairly and lawfully.
9	Medical Questionnaire	Collects health information to assess an employee's fitness for work and any workplace adjustments required.
10	Letter of Offer	Provides the initial job offer and outlines key terms of employment before formal engagement.
11	Letter of Engagement	Confirms acceptance of employment. We have included letters of engagement for both casual and full-time/part-time employees
12	Employee Details Form	Captures personal, tax, and emergency contact information for payroll and administrative purposes.

13	Letters of Warning	<p>Documents formal warnings regarding misconduct or performance issues to create a record of disciplinary action.</p> <p>We have included a template letter of warning and final warning.</p>
14	Position Descriptions	<p>Defines the duties, responsibilities, and expectations for a specific role to ensure clarity for both employer and employee.</p> <p>The following position descriptions are included in this package:</p> <ol style="list-style-type: none"> 1. Training Assistant; 2. Stablehand Grade 1; 3. Trainer; 4. Track Rider; 5. Stablehand Grade 2; 6. Administrative Staff; 7. Stable Foreman; and 8. Stable Employee on commencement.
15	Talent Release Form	Grants the employer permission to use an individual's image, voice, or work in marketing or media materials.
16	Privacy Policy	Outlines how the employer collects, uses, stores, and protects personal information in compliance with privacy laws and ensures transparency with employees and stakeholders.
17	Registration for the withholding of tax "Pay As You Go" (PAYG) Australian Taxation Office	Used to register the business as an employer and enable withholding of tax from employee wages.
18	Tax File Number Declaration	Completed by each employee to provide essential information for tax withholding, including any HELP debt obligations.
19	PAYG withholding "weekly tax table"	Assists employers in determining the correct amount of tax to deduct from each employee's earnings.
20	Nationwide Super - Employer Application Form and Employee / Member Application Form	Used to assist an employee with registering with Nationwide Super Fund to meet superannuation obligations.
21	Fair Work Information Statement	Must be provided to all new employees at the commencement of employment as required by law.
22	Casual Employment Information Statement	Must be provided to all new casual employees at the start of employment in compliance with Fair Work requirements.
23	Stable Hand Registration Form	Employers should obtain forms directly from their respective Principal Racing Authority.
24	WHS & OHS Policy	Outlines the employer's commitment to providing a safe and healthy workplace, detailing responsibilities, risk management processes, and compliance with WHS legislation.

Annexure K: Medical Questionnaire

Application for Employment

1. Pre-Employment Information
2. General Medical Questionnaire
3. Declaration

Pre-Employment Information

(Applicant)

Position					
Tenure	Full time <input type="checkbox"/>	Part time <input type="checkbox"/>	Fixed Term <input type="checkbox"/>	Casual <input type="checkbox"/>	Casual Sales <input type="checkbox"/>
Anticipated State Date					

The personal information obtained in this form is confidential and is managed by [Company] in accordance with the *Privacy Act* 1988. The form will be placed on file with access restricted to nominated staff. Information contained in this form is not made available to any other third party without your written consent unless [Company] is required to do so by a court or tribunal or under law.

First Name			Preferred Name	
Surname				
Home Address (Must be provided)				
Mailing Address				
Home Phone			Mobile Phone	
Email Address				
Australian Citizen	Yes <input type="checkbox"/> No <input type="checkbox"/> If no, please provide visa details below.			
Visa Details Original Passport will be required to be sighted for verification with Department of Immigration & Citizenship	Family Name (as in Passport)			
	Given Names (as in Passport)			
	Passport Number			
	Nationality of Passport			
	Date of Issue			
	Date of Birth			
	Visa No. & Type			
	Expiry			

Pre-Employment Information

(Applicant)

Qualifications and Certifications

Racing NSW	<p>Have you ever been refused registration by a racing authority (eg. Racing Victoria, Racing NSW, etc.) or any other racing authority?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Do you currently hold a Stable Hand registration?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Issuing state: _____</p> <p>Are you currently a licensed Jockey / Trainer?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Yes / No</p> <p>Have you completed the mandatory training required by the Principal Racing Authority?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Other Tickets	
Tertiary Education If none provide last school attended and level completed	
First Aid or St Johns Ambulance Certification Provide details and dates including expiry	

Driver Licence

Should employment be offered, your Driver Licence will be required for copying and verification before you can drive a [Company] vehicle.

Do you have a current Driver Licence?	Yes <input type="checkbox"/> No <input type="checkbox"/> If no, state why (include any suspensions):			
Years Driving Experience				
Licence class	Car <input type="checkbox"/>	Rider <input type="checkbox"/>	Light Rigid <input type="checkbox"/>	Medium Rigid <input type="checkbox"/>

	Heavy Rigid <input type="checkbox"/>	Heavy Combination <input type="checkbox"/>	Multi Combination <input type="checkbox"/>
Expiry date			
Any special conditions or restrictions?	<input type="checkbox"/> P1	<input type="checkbox"/> P2	Mandatory Alcohol Interlock Program <input type="checkbox"/>
	Other		

Smoking

Please note that [Company] is a non-smoking working environment in all buildings, workshops and adjacent external areas.

Pre-Employment Information

(Applicant)

Previous Employment

If resume provides all details required below please tick and move to page 4

☐

Present/Last Employer			
Start Date		End Date	
Position Held			
Duties			
Reason for Leaving			
Name and phone number of Referee			

Previous Employer			
Start Date		End Date	
Position Held			
Duties			
Reason for Leaving			
Name and phone number of Referee			

Previous Employer			
Start Date		End Date	
Position Held			
Duties			
Reason for Leaving			
Name and phone number of Referee			

Pre-Employment Information

(Applicant)

Additional Referees

Please provide details of additional referees other than relatives and close friends. Preferably previous employers.

Referee 1:	Name	
	Relationship	
	Phone	

Referee 2:	Name	
	Relationship	
	Phone	

Referee 3:	Name	
	Relationship	
	Phone	

Please provide any other information that may assist in your application for employment with [Company].

Literacy

Is English your first language?	Yes <input type="checkbox"/>	No <input type="checkbox"/> If no, please state _____
What is your level of English literacy and numeracy?	Primary School <input type="checkbox"/>	Record of School Achievement (RoSa) or Year 10 Certificate <input type="checkbox"/>
	Higher School Certificate <input type="checkbox"/>	Tertiary <input type="checkbox"/>

General Medical Questionnaire

(Applicant)

Have you previous had any work related injuries?

If yes, please complete the following:

Date	Type of Injury	Treatment

Did you bring a workers compensation claim in respect to the injury(s) above?

If yes, please provide details of the claim including the employer, insurance company and claim number.

Employer	
Insurer	
Claim Number	
Type of Injury	
Date of injury	
Treatment	

Employer	
Insurer	
Claim Number	
Type of Injury	
Date of Injury	
Treatment	

Have you previously been in any motor vehicle accident?

If yes, please provide: (if you require more space please use a separate page)

Date	Injury(s)	If claimed, claim number

General Medical Questionnaire

(Applicant)

Have you had any other accidents or illnesses that may impact on upon you performing your duties?

If yes, please give details:

Tetanus Immunisation Date

Blood Group

Allergies if yes list:

1.

2.

3.

4.

5.

6.

Family History

Have any of your immediate family (father, mother, brothers, sisters, sons or daughters) dead or alive suffered from: (Please ✓ the appropriate box)

	Yes	No		Yes	No		Yes	No
Asthma	<input type="checkbox"/>	<input type="checkbox"/>	Heart Disease	<input type="checkbox"/>	<input type="checkbox"/>	Mental Illness	<input type="checkbox"/>	<input type="checkbox"/>
Hay fever	<input type="checkbox"/>	<input type="checkbox"/>	High Blood Pressure	<input type="checkbox"/>	<input type="checkbox"/>	Cancer	<input type="checkbox"/>	<input type="checkbox"/>
Skin Disease	<input type="checkbox"/>	<input type="checkbox"/>	Diabetes	<input type="checkbox"/>	<input type="checkbox"/>			

Personal History

Have you suffered from any of the following? (Please ✓ the appropriate box)

BLOOD	Yes	No	HEART	Yes	No	KIDNEY/LIVER	Yes	No
High blood pressure	<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic Fever	<input type="checkbox"/>	<input type="checkbox"/>	Hepatitis	<input type="checkbox"/>	<input type="checkbox"/>
Low blood pressure	<input type="checkbox"/>	<input type="checkbox"/>	Palpitations	<input type="checkbox"/>	<input type="checkbox"/>	Jaundice	<input type="checkbox"/>	<input type="checkbox"/>
Anaemia	<input type="checkbox"/>	<input type="checkbox"/>	Murmurs	<input type="checkbox"/>	<input type="checkbox"/>	Kidney Disease	<input type="checkbox"/>	<input type="checkbox"/>
any other blood disease	<input type="checkbox"/>	<input type="checkbox"/>	Angina	<input type="checkbox"/>	<input type="checkbox"/>	Blood in urine	<input type="checkbox"/>	<input type="checkbox"/>

General Medical Questionnaire

(Applicant)

EYES	Y	N	STOMACH	Y	N	EARS	Y	N
Blurred vision	<input type="checkbox"/>	<input type="checkbox"/>	Frequent Indigestion	<input type="checkbox"/>	<input type="checkbox"/>	Persistent Earache	<input type="checkbox"/>	<input type="checkbox"/>
Loss of vision	<input type="checkbox"/>	<input type="checkbox"/>	Heartburn	<input type="checkbox"/>	<input type="checkbox"/>	Discharge from ears	<input type="checkbox"/>	<input type="checkbox"/>
Cataracts	<input type="checkbox"/>	<input type="checkbox"/>	Duodenal Ulcer	<input type="checkbox"/>	<input type="checkbox"/>	Deafness	<input type="checkbox"/>	<input type="checkbox"/>
Glasses	<input type="checkbox"/>	<input type="checkbox"/>	Stomach Ulcer	<input type="checkbox"/>	<input type="checkbox"/>	Industrial Deafness	<input type="checkbox"/>	<input type="checkbox"/>
Contacts	<input type="checkbox"/>	<input type="checkbox"/>	Passing blood in bowels	<input type="checkbox"/>	<input type="checkbox"/>	Sinusitis	<input type="checkbox"/>	<input type="checkbox"/>
			Persistent Diarrhoea	<input type="checkbox"/>	<input type="checkbox"/>	Tinnitus	<input type="checkbox"/>	<input type="checkbox"/>
						Hearing aids	<input type="checkbox"/>	<input type="checkbox"/>

CHEST	Y	N	HEAD & NERVES	Y	N	NECK / BACK	Y	N
Shortness of breath	<input type="checkbox"/>	<input type="checkbox"/>	Fainting attacks	<input type="checkbox"/>	<input type="checkbox"/>	Previous back injury	<input type="checkbox"/>	<input type="checkbox"/>
Persistent cough	<input type="checkbox"/>	<input type="checkbox"/>	Frequent blackouts	<input type="checkbox"/>	<input type="checkbox"/>	Pain in neck & shoulders	<input type="checkbox"/>	<input type="checkbox"/>
Palpitations	<input type="checkbox"/>	<input type="checkbox"/>	Severe headaches	<input type="checkbox"/>	<input type="checkbox"/>	Previous neck injury	<input type="checkbox"/>	<input type="checkbox"/>
Chest pains	<input type="checkbox"/>	<input type="checkbox"/>	Migraines	<input type="checkbox"/>	<input type="checkbox"/>	Lumbar pain	<input type="checkbox"/>	<input type="checkbox"/>
Asthma	<input type="checkbox"/>	<input type="checkbox"/>	Giddiness	<input type="checkbox"/>	<input type="checkbox"/>	Sciatica i.e. pain radiating down legs	<input type="checkbox"/>	<input type="checkbox"/>
Bronchitis	<input type="checkbox"/>	<input type="checkbox"/>	Epilepsy/fits	<input type="checkbox"/>	<input type="checkbox"/>	Slipped or prolapsed disc	<input type="checkbox"/>	<input type="checkbox"/>
Pneumonia	<input type="checkbox"/>	<input type="checkbox"/>	Previous concussion	<input type="checkbox"/>	<input type="checkbox"/>	Fracture of cervical spine	<input type="checkbox"/>	<input type="checkbox"/>
Pleurisy	<input type="checkbox"/>	<input type="checkbox"/>	Previous head injury	<input type="checkbox"/>	<input type="checkbox"/>	Persistent back ache	<input type="checkbox"/>	<input type="checkbox"/>
Tuberculosis	<input type="checkbox"/>	<input type="checkbox"/>	Anxiety	<input type="checkbox"/>	<input type="checkbox"/>	Cartilage trouble	<input type="checkbox"/>	<input type="checkbox"/>
Hay fever	<input type="checkbox"/>	<input type="checkbox"/>	Depression	<input type="checkbox"/>	<input type="checkbox"/>	Fracture of Lumbar or Thoracic Spine	<input type="checkbox"/>	<input type="checkbox"/>
Cough up blood	<input type="checkbox"/>	<input type="checkbox"/>						

General Medical Questionnaire

(Applicant)

LEGS	Y	N		Y	N	ARMS / HANDS	Y	N
Previous injuries to knee	<input type="checkbox"/>	<input type="checkbox"/>	Ankle injuries	<input type="checkbox"/>	<input type="checkbox"/>	Previous arm injuries	<input type="checkbox"/>	<input type="checkbox"/>
Any arthroscopies	<input type="checkbox"/>	<input type="checkbox"/>	Foot Trouble	<input type="checkbox"/>	<input type="checkbox"/>	Rotator cuff injury	<input type="checkbox"/>	<input type="checkbox"/>
Knee surgery	<input type="checkbox"/>	<input type="checkbox"/>	Arthritis	<input type="checkbox"/>	<input type="checkbox"/>	RSI	<input type="checkbox"/>	<input type="checkbox"/>
Knee replacement	<input type="checkbox"/>	<input type="checkbox"/>	Are you required to wear special shoes	<input type="checkbox"/>	<input type="checkbox"/>	Dislocation of wrists	<input type="checkbox"/>	<input type="checkbox"/>
Broken/fractured bones	<input type="checkbox"/>	<input type="checkbox"/>				Broken/fractured bones	<input type="checkbox"/>	<input type="checkbox"/>
Achilles damage	<input type="checkbox"/>	<input type="checkbox"/>				Arthritis	<input type="checkbox"/>	<input type="checkbox"/>

SKIN	Y	N	PHOBIAS	Y	N	
Eczema	<input type="checkbox"/>	<input type="checkbox"/>	Heights	<input type="checkbox"/>	<input type="checkbox"/>	
Dermatitis	<input type="checkbox"/>	<input type="checkbox"/>	Crowds	<input type="checkbox"/>	<input type="checkbox"/>	
Other Skin Condition	<input type="checkbox"/>	<input type="checkbox"/>	Confined spaces	<input type="checkbox"/>	<input type="checkbox"/>	

GENERAL INFORMATION								
	Y	N		Y	N		Y	N
Travel sickness	<input type="checkbox"/>	<input type="checkbox"/>	Cancer	<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic Fever	<input type="checkbox"/>	<input type="checkbox"/>
Diabetes	<input type="checkbox"/>	<input type="checkbox"/>	Hernia	<input type="checkbox"/>	<input type="checkbox"/>	Reaction to cold/heat	<input type="checkbox"/>	<input type="checkbox"/>
Weakness of any part of the body	<input type="checkbox"/>	<input type="checkbox"/>	Q Fever	<input type="checkbox"/>	<input type="checkbox"/>	Paralysis	<input type="checkbox"/>	<input type="checkbox"/>
Gross cysts	<input type="checkbox"/>	<input type="checkbox"/>	Varicose Veins	<input type="checkbox"/>	<input type="checkbox"/>	Other infectious diseases *	<input type="checkbox"/>	<input type="checkbox"/>
Piles or other similar problems	<input type="checkbox"/>	<input type="checkbox"/>	Tendency to bruise easily	<input type="checkbox"/>	<input type="checkbox"/>	Tendency to bleed easily	<input type="checkbox"/>	<input type="checkbox"/>

General Medical Questionnaire

(Applicant)

Medication

Are you taking any injections, tablets or any other forms of medication currently?				Y	N
				<input type="checkbox"/>	<input type="checkbox"/>
Have you regularly taken any medication in the past? If so, please list:					
1.	2.	3.	4.		
5.	6.	7.	8.		

Have you ever suffered from adverse effects to chemicals, dust, grease, cement, paint, detergents or other substances?		Y	N
		<input type="checkbox"/>	<input type="checkbox"/>
Are you on any current treatment, or received treatment in the past 12 months? i.e. <i>please describe</i>		Y	N
		<input type="checkbox"/>	<input type="checkbox"/>
1. Physiotherapy			
2. Chiropractic			
3. Massage			
4. Special Diet			

Alcohol Consumption

Do you consume alcoholic beverages?			Y	N
			<input type="checkbox"/>	<input type="checkbox"/>
If yes, please estimate your weekly consumption				
Beer	Wine	Spirits		

Medical Examination

Are you prepared to undergo a pre-employment medical examination by [Company]' nominated doctor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Declaration

(Applicant)

Declaration

- I declare that the preceding information, supplied on this form, is true and correct to the best of my knowledge. I further consent to carrying out any checks to the above information and forwarding it to a doctor for the purposes of a pre-employment medical examination.
- I have not knowingly withheld any relevant information.
- I have read the position description and that I understand the inherent requirements of the position for which I am submitting an application.
- I further understand that any omission or misinformation provided by me or lies may result in my immediate dismissal should be employed by [Company].
- I acknowledge that the provision of incorrect or misleading information or the omission of any information may negate any future claim for compensable injury or illness.
- I give permission to [Company]' nominated medical officer or doctor to obtain my relevant medical information, clinical records, x-rays and pathology reports from my doctor, so that an assessment of that information can be provided management as necessary.

Signed by employee.....

Date//

Witnessed by [print name]

Signed

Date//

Authority for Medical Records

(Applicant)

To:

Address:

I _____ [print name] hereby authorise and direct you to supply
to [Company] of [address], any medical information, clinical records, x-rays and pathology reports they
may hold.

Dated the _____ day of _____ 2025

Print name

Signed by applicant

Date//

Witnessed by [print name]

Signed

Date//