

ORIENTEERING VICTORIA EMPLOYMENT POLICY

This policy is structured in three parts:

- Policies for the engagement of people by Orienteering Victoria
- Procedures for managing employed positions, including the meeting of legal obligations associated with employment
- Job descriptions for currently maintained positions

1. Policies for the engagement of employees and labour contractors by Orienteering Victoria

Any employment by Orienteering Victoria must be undertaken within the financial constraints of the funds available to the Association. At present, most employment is associated with projects funded in part or whole by government or semi-government organizations (such as VicHealth).

Creation of positions

Creation of employed positions is the prerogative of the Board.

Selection for positions

The Board has the authority to make selection decisions for all positions. This includes:

- the development of selection criteria;
- the mode of advertising, if any;
- the making of selection decisions after applications have been received.

The Board may, if it sees fit, delegate some or all of this authority to another person or persons (e.g. project managers, major event organizers).

Modes of employment

Employees may be engaged on an ongoing basis, for a fixed term or for a specified task. They may be engaged as:

- full- or part-time employees;
- casual employees;
- contractors.

Employees (other than contractors) may be engaged under written contract, a certified agreement, common-law contract or Australian Workplace Agreement. All contractors shall be engaged under written contract.

The Board is responsible for decisions about the mode of employment and payment terms.

Salary, terms and conditions

The Board will determine the terms and conditions under which employment will be offered, in consultation with the prospective employee. This will be consistent with all legal obligations of the Association as an employer (see section 2).

Where a position continues for 12 months or more, remuneration will be reviewed annually (this is normally done in mid-year). Payment may be made on a salaried basis, on a hourly rate, payment for a specified task, or on a commission basis for certain income-generating activities.

Reasonable expenses will be paid, including per-kilometre reimbursement for approved car expenses. Rates for reimbursement of motor vehicle travel expenses will also be reviewed at least annually, or if the cost of fuel has changed by more than 10% since the most recent review.

Sub-contracting

Subject to paragraph 1.1. above, no employee may sub-contract any part of the task(s) for which they have been engaged to another person or persons without the approval of the Board.

Termination of positions

The Board has the authority to terminate any employed position. Such termination will take place in accordance with any applicable regulations that may be in place at the time with respect to procedure, periods of notice, entitlements etc.

2. Procedures for managing employed positions

The responsibility for the day-to-day management of employed positions is that of the Treasurer. In practice, senior or full-time employees of the Association will usually be delegated authority to direct the day-to-day work of part-time and casual employees, however the Treasurer or his/her delegates will maintain required pay and related employment records and approve all payments (other than those minor payments discussed in subsection 2.1 below).

2.1. Minor payments which do not require specific formal ratification or approval

Minor payments can be divided into two categories:

- Reimbursements and/or allowances paid to volunteers for expenses other than for the provision of labour

Examples:

- a. A volunteer at an event is sent to obtain minor supplies required. They return with the supplies and, on production of a suitable receipt, are reimbursed from event proceeds

b. A volunteer is requested to travel to collect equipment and return with it to an event site. They claim a per-kilometre allowance which is approved and paid by the event organiser

(Approval for these payments is effectively under the auspices of pre-approved event budgets)

- Low-value and irregular payments for the provision of labour or services on an hourly basis

This category covers the situation where a person is engaged for a short period on a specific task which is not in the nature of the type of work they usually perform for a living.

Example:

A volunteer who normally runs a plumbing business agrees to use his work trailer to shift a public address and related electrical system which he also sets up and later packs down at an event. He is paid a modest honorarium for his time and effort at a rate likely to be substantially below normal market rates.

Payments under this second category are to be *avoided* and should not be a normal activity of the Association, as they may be perceived to be casual employment which is subject to all the usual statutory rules of employment (including Income Tax laws and Victorian WorkCover regulations) *regardless* of the amount(s) paid. As a guide only, payments in excess of \$50 are not likely to be considered minor and therefore do not fall under this heading.

2.2. Payments which require specific formal ratification or approval

All payments to contractors and employees, other than those in 2.1. above, will be made by the Treasurer in accordance with contractual terms and relevant State and Federal employment laws. No employee or volunteer of the Association other than the Treasurer (or his/her delegate e.g. an event Treasurer) acting on the authority of the Council is permitted to agree or bind the Association to a contract of employment or to engage a subcontractor where predominantly labour services are provided. Event organisers, volunteers and other staff of the Association should be mindful of this policy. If in any doubt exists as to the ability of a particular organiser, volunteer or staff member to engage labour services they must refer the matter to the Treasurer and/or other Board member for guidance and approval as required.

The Treasurer will be responsible for determining the conditions of employment for all staff, making required payments and maintaining the appropriate records. These conditions will take into account and be compliant with all relevant State and Federal laws, including the following items (not necessarily an exhaustive list):

For employees:

Hours worked

Pay entitlements (relevant Award rates)

- Allowance entitlements
- Sick Leave entitlements
- Annual Leave entitlements
- Long Service Leave entitlements
- PAYG (Income Tax) deductions
- PAYG reporting (including the issue of annual Payment Summaries)
- Fringe Benefits Tax
- (Monthly) Superannuation entitlements & choice of fund rules
- Related Victorian WorkCover liabilities (threshold currently \$7,500 per annum)
- Related Victorian Pay-Roll Tax liabilities (but note Pay-Roll Tax has a relatively high threshold in excess of \$550,000 per annum)

Similarly for contractors:

- Hours worked/Tasks completed
- Payment of (approved) invoices
- Recording of GST credits (where applicable) and ABNs
- (Monthly) Superannuation entitlements (unlikely for a contractor but possible)
- Related Victorian WorkCover liabilities (unusual but possible for a contractor)
- Related Victorian Pay-Roll Tax liabilities (unusual but possible for a contractor but note Pay-Roll Tax has a relatively high threshold in excess of \$550,000 per annum)

It will be appreciated that quite different rules apply to contractors than those that apply to employees and it is important to differentiate between the two forms of engagement. There is no clear and simple definition of an employee in any Australian State or Federal legislation or in common law. In fact, different legislation often contains quite different rules. Correct determination of this issue is not always simple or clear and assistance or advice should be sought if needed, but then only from a qualified person (e.g. accountant or lawyer with appropriate experience) rather than the use of common but inaccurate rules of thumb that persist in the general community.

It is technically feasible that one person involved in a number of different Association activities could be an employee and a contractor as well as an (unpaid) volunteer. In these rare but possible circumstances, particular care will be needed to correctly comply with all the relevant employment laws.

The following provides examples of typical situations that may apply. *It is for illustration purposes only and is not to be taken as unequivocal representation of any past or current policy, procedure or rule of the Association nor is it to be considered employment law or tax advice or in any way applicable to the public generally. It may also be out-of-date by the time you read it. Orienteering Victoria accepts no responsibility for any persons relying on the following examples. Each and every situation must always be treated based on its own circumstances and facts and appropriate professional advice obtained.*

Ms A, an enthusiastic orienteer, has agreed to produce a new orienteering map on her computer at home. She is not a professional cartographer and has other unrelated

employment. It is agreed that she will be paid a flat fee for this work (probably less than the rate a professional would be paid), and is happy as this will cover her computer costs. She completes the task and is paid after sending the Treasurer a letter advising that she would like payment as the work is complete (has been approved by a mapping or event committee), and that she has not done the work as part of any business or profit making venture but in a private capacity as part of a recreational pursuit.

Ms A is probably not an employee for the following reasons:

- She was paid to complete a task not for the hours it took
- She is responsible for correcting her own mistakes without further or additional payment
- She has received no Fringe Benefits or other payment-in-kind for the work

Ms A is probably not a contractor (for the purposes of this example) for the following reasons:

- She has no expectation of profiting from the work
- She has no registered business, business name or ABN
- The work is likely to be categorised as that of a hobby or recreational pastime

The Association is not required to make any PAYG or other withholdings from the payment (notwithstanding that no ABN or Tax File Number has been provided) nor do any of the aspects of employment laws or regulations listed above apply.

Ms A (from the example above) has become even more enthusiastic following good reviews of her map work. She quits her full-time job, registers the business name “A’s Best Maps” and applies for an ABN. To top up her income she expects to continue in her previous occupation (as a nurse) on a casual basis. Because she expects to gross less than \$50,000 per year from her mapping she does not register for GST. The Association orders a second map and it is duly produced. Ms A issues an (ordinary) invoice (not a “Tax Invoice”) for payment.

Ms A is probably still not an employee for the following reasons:

- She was paid to complete a task not for the hours it took
- She is responsible for correcting her own mistakes without further or additional payment
- There is no agreement that stops her preparing maps for other organizations or the public generally

Ms A is probably a contractor and should be paid the full invoiced amount as she has quoted a correct and current ABN (checked by the Treasurer at www.abr.gov.au). No GST credit applies. However it is technically possible that the payments, being principally for labour, are subject to Victorian WorkCover levies.

Ms A (from the examples above) has become an expert and internationally recognised cartographer after successfully producing the current world championship event map for the International Antarctic Orienteering Club. With this success her accountant has

converted her business to one run under a company structure (A's Best Maps Pty Ltd), has registered the company for GST and even employed her friend's niece (Ms B) as an assistant mapper. She produces a map for the Victorian Schools Championships and issues a Tax Invoice (ABN quoted and GST identified) for the contracted amount.

- A's Best Maps Pty Ltd is a contractor to the Association and is paid the contracted amount without deductions. Although the payments are still principally for labour they are unlikely to attract Victorian WorkCover levies as they are paid to a company that deals with the public at large and has its own employees.

Ms B has an argument with Ms A and quits her job, accepting a part-time, casual position with the Association as head mapper. She works as directed by the Events Officer on map making and other promotional tasks. She signs an employment contract with the Association and is to be paid based on the hours she works each month. She also completes a Tax File Number declaration. Her time records are approved by the Events Officer and she then claims payment.

- Ms B is an employee and her contract of employment should detail the terms under which she will be remunerated including statutory super contributions. WorkCover levies and other rules apply (even if she only works for one hour per month).

Ms B says she is run off her feet with work on a map for the next Maze-O event and asks her sister (Ms C) to come into the office and help for a few hours. Neither the Treasurer nor the Events Officer is advised of this decision. She pays her sister \$80 from the petty cash tin. The Association terminates her employment as she has breached at least two of the written policies of the Association (employing another person and making payments for labour services without approval), exceeded her authority and has probably contravened her employment contract.

- Notwithstanding the unauthorized nature of the payment, Ms C is probably (temporarily, at law) an employee and payment has been made without withholding the appropriate PAYG, causing potential problems for the Association. Fortunately as she has received a total of less than \$450 (this month) no liability for superannuation guarantee entitlements (currently 9%) should exist.

3. Job descriptions for current positions

Job descriptions for current positions are listed separately in the Club Directory.

P & D OFFICERS JOB DESCRIPTION

JOB DESCRIPTION: GENERAL	JOB DESCRIPTION: SPECIFIC
<p>PERSONAL ATTRIBUTES</p> <p>The person who fills this position must:</p> <ul style="list-style-type: none"> • have an in-depth knowledge of the sport of orienteering • have good written and oral communication skills • have good up-to-date computer skills • hold a current first aid certificate appropriate to the job • have the ability to generate work to create income for Orienteering Victoria • be able to work unsupervised • show initiative in all aspects of the work • be able also to work as part of a team • have high standards with respect to the quality of their work • have experience in the maintenance of detailed financial records 	<p>More specifically, these requirements imply:</p> <ul style="list-style-type: none"> • a knowledge and understanding of the different disciplines of the sport: <ul style="list-style-type: none"> - foot O (street/park/bush), - bike O, ski O and - participation of the disabled. • ability to make decisions, plan, implement and evaluate different types of courses and activities • mapping skills • running corporate/ school/ teachers courses • outdoor education instructor qualifications preferable • first aid qualifications - minimum: workplace Level 2 • computer skills – minimum requirement: MS 98 and Office 97 • creation and maintenance of detailed financial records. • understanding and implementation of fee for service structure
<p>RESPONSIBILITIES</p> <ul style="list-style-type: none"> • maintain the Orienteering Victoria office as the “shop front” of Victorian orienteering 	<p>GENERAL OFFICE ADMINISTRATION DUTIES:</p> <ul style="list-style-type: none"> • be in Orienteering Victoria office at least one day per week • monitor & respond to all O enquiries • maintain telephone, answering machine, email, snailmail & Sportsmatch services • handle all correspondence • promptly distribute urgent items to the relevant member of the Executive • maintain OV equipment • maintain archives • maintain and develop files of street/park/bush maps
<ul style="list-style-type: none"> • cooperate closely with the Orienteering Victoria Executive, Committee and clubs • attend Orienteering Victoria meetings 	<ul style="list-style-type: none"> • attend monthly Orienteering Victoria executive and committee meetings • prepare monthly reports for these meetings • provide regular articles and reporting to the O community through O-Vic

<ul style="list-style-type: none"> • promote orienteering through all forms of the media. 	<ul style="list-style-type: none"> • keep abreast of media requirements • assist clubs in accessing media for results • encourage media exposure of orienteering wherever possible
<ul style="list-style-type: none"> • develop and maintain a schools educational program 	<ul style="list-style-type: none"> • plan, implement and evaluate a user pays program of suitable orienteering to primary, secondary and tertiary students and their teachers. • run Level O professional development courses • co-ordinate primary championships east and west, annually • co-ordinate secondary schools championships annually • provide a map making service to schools and camps • maintain and develop the Inter-School Street O Challenge • maintain register of all school maps- (primary and secondary)

<ul style="list-style-type: none"> • promote orienteering in the wider community • develop and maintain a community educational program 	<ul style="list-style-type: none"> • develop and produce relevant brochures • plan, implement and evaluate Basic Skills Instruction Courses for the general community and for people with disabilities. • work in closely with clubs to meet their promotional requirements.
<ul style="list-style-type: none"> ▪ keep abreast of all developments with government agencies ▪ assist Executive with applications for funding 	<ul style="list-style-type: none"> ▪ attend meetings with bodies that offer funding. e.g. SRV, VicHealth ▪ keep abreast of all trends in sport and recreation generally ▪ draft submissions to government bodies for funding assistance ▪ work with clubs/ Orienteering Victoria to maximise opportunities to gain funding to assist orienteering ▪ apply for scholarships & other funding for elite athletes. e.g. Vic Talent, VIS ▪ represent Orienteering Victoria at meetings with land management bodies. e.g. Parks Vic, DNRE
<ul style="list-style-type: none"> • take overall responsibility for the Victorian Secondary Schools Orienteering Team 	<ul style="list-style-type: none"> • provide the infrastructure for the selection and participation of a VSSO team to compete in ASSOC • liaise with VSSSA re team and championships • organise two selection races • organise selectors • select and organise the VSSO squad • manage all team requirements - travel, uniform, monies, VSSSA requirements. • attend ASSOC meetings