

MOBILE PHONE POLICY

1. PURPOSE

- 1.1 The purpose of this Policy is to provide employees of Fitzpatrick Group ('Fitzpatrick Group') with guidelines regarding the appropriate use of their Fitzpatrick Group supplied mobile phone and private mobile phones used during the course of performing duties in Fitzpatrick Group's business.

2. COMMENCEMENT OF POLICY

- 2.1 This Policy will commence on and from 25/07/2022. It replaces all other policies or arrangements governing the usage of mobile phones (whether written or not).

3. APPLICATION OF THIS POLICY

- 3.1 This Policy applies to all employees of Fitzpatrick Group.
- 3.2 This policy does not form part of an employee's contract of employment.

4. ELIGIBILITY

- 4.1 An employee may be eligible to have a mobile phone if, in the view of Fitzpatrick Group, it is deemed necessary for the appropriate performance of their position. For example, if the employee's duties require them to spend time out of the office and/or to be contactable outside the normal hours of work.
- 4.2 Alternatively, Fitzpatrick Group may reimburse an employee for the cost of business related phone calls made from their personal mobile phone in circumstances where the employee is not provided with a Fitzpatrick Group mobile phone.

5. USE

- 5.1 The mobile phone is provided primarily to allow contact with the employee by other employees or customers or to enable the employee to contact Fitzpatrick Group and its customers.
- 5.2 Employees must not use the mobile phone while operating a motor vehicle unless a 'Hands-free Car Kit' is installed in an employee's vehicle.
- 5.3 Employees who have been provided with a mobile phone with email and internet access must comply with Fitzpatrick Group's policies dealing with email and internet access where relevant.

6. PRIVATE USE

- 6.1 A Fitzpatrick Group mobile phone is provided predominantly for work purposes. Therefore, private usage of the mobile phone should be kept to a minimum.
- 6.2 If Fitzpatrick Group believes an employee is using a Fitzpatrick Group mobile phone irresponsibly or unreasonably, then the employee may have the phone removed or be requested to reimburse Fitzpatrick Group for excessive personal calls.

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6.3 In those circumstances, the employee's phone use will continue to be closely monitored until a more reasonable proportion of business versus private use is achieved.

6.4 An employee must not use the device in any way that may damage the legitimate interests of the Fitzpatrick Group's business and employment relationships.

7. USE OF MOBILE PHONES IN THE OFFICE

7.1 If customers expect to find an employee on their Fitzpatrick Group's mobile phone rather than on a regular fixed telephone in the office, then the Fitzpatrick Group's mobile should be kept on, even when in the office.

7.2 In circumstances where a fixed telephone is available to make outgoing calls then use of the mobile phone for that purpose is discouraged.

7.3 Private mobile phones must be on silent at all times and may only be answered in cases of emergency or during designated work breaks.

8. VOICEMAIL

8.1 An employee must activate the voicemail set up on their phone supplied by Fitzpatrick Group so that calls divert to voicemail when unanswered or busy. Missed calls should be returned in a timely manner (ie within 2 hours) and employees should ensure they clear their voicemail regularly. Voicemail set up on Fitzpatrick Group mobile phone should say 'Hello, this is (name), (title) of Fitzpatrick Group. I am unable to take your call right now so please leave your name, number and a short message and I will return your call shortly'. This message should be modified if an employee is on leave.

9. MOBILE PHONES IN MEETINGS

9.1 It is common courtesy to switch mobile phones off before entering a meeting.

9.2 Fitzpatrick Group understands that extenuating circumstances may exist that require employees to leave the mobile phone switched on during meetings. If this is the case then employees should politely inform the other attendees prior to the commencement of the meeting that they may be expecting a call and so their mobile phone will be left on during the meeting.

10. DIVERTING FIXED TELEPHONE WHEN OUT OF THE OFFICE

10.1 If an employee is out of the office, the employee should divert calls coming in via their fixed telephone to their Fitzpatrick Group mobile phone.

11. LOST, STOLEN OR DAMAGED Fitzpatrick Group PHONES

11.1 Fitzpatrick Group expects all employees who have been allocated mobile phones to take the utmost care and responsibility for them.

11.2 If a phone is lost, stolen or damaged, it should be reported to your manager or supervisor as soon as that event occurs.

11.3 Depending on the circumstances in which the phone was lost, stolen or damaged, the employee may be held responsible for replacing the phone if the loss, damage, or theft was caused or contributed to by the employee's lack of care.

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12. RETURN OF THE MOBILE PHONE

- 12.1 On termination of employment or otherwise at the request of Fitzpatrick Group, an employee who has been issued with a Fitzpatrick Group mobile phone must return the phone to the Bryn Robinson. Any battery chargers or other accessories supplied by Fitzpatrick Group for use with the mobile phone must also be returned.

13. WORK HEALTH AND SAFETY

- 13.1 The use of mobile phones in certain parts of the workplace and in vehicles can create unsafe situations or potentially unsafe situations.
- 13.2 It is illegal in all Australian states and territories to use a hand-held mobile phone while operating a vehicle. This includes, but is not limited to, talking, texting or using any other function of a mobile phone whilst the vehicle is operating
- 13.3 Supervisors and managers may issue general notices or particular notices to staff regarding the use of mobile phones if they perceive a real or potential work health and safety risk.
- 13.4 Staff are required to comply with such orders, directions and notices issued by supervisors or managers.

14. USE OF EMPLOYEE'S MOBILE PHONE BUSINESS PURPOSES

- 14.1 With the agreement of Fitzpatrick Group, an employee may use his or her own mobile phone in connection with Fitzpatrick Group's business according to the terms agreed with Fitzpatrick Group.
- 14.2 When this occurs, Fitzpatrick Group will pay the cost of those calls on the completion of an 'expenses claim form' by the employee. The form must be submitted with copies of mobile phone invoices for the relevant period, identifying those calls that are work related.
- 14.3 When using his or her own mobile phone on Fitzpatrick Group's business, an employee must not use the device in any way that may damage the legitimate interests of the Fitzpatrick Group's business.
- 14.4 If an employee is permitted to use his or her own mobile phone in connection with Fitzpatrick Group's business, then Fitzpatrick Group may require the employee to produce any records arising out of or in connection with work related use of that employee's own mobile phone, including for the purposes of justifying any claim for reimbursement.

15. USE AND DISCLOSURE OF RECORDS

- 15.1 Fitzpatrick Group may use and/or disclose any records arising out of or in connection with the use of a Fitzpatrick Group mobile phone or work related use of an employee's own mobile phone, including where that use or disclosure is:
- (a) for a purpose related to the employment of any employee or related to Fitzpatrick Group's business activities; or

- (b) use or disclosure to a law enforcement agency in connection with an offence; or
 - (c) use or disclosure in connection with legal proceedings; or
 - (d) use or disclosure reasonably believed to be necessary to avert an imminent threat of serious violence to any Person or substantial damage to property.
- 15.2 An employee is taken to have consented to the use and disclosure of any record arising out of or in connection with the use of a Fitzpatrick Group mobile phone or work related use of an employee's own mobile phone.

16. ENFORCEMENT

- 16.1 Employees must comply with the requirements of this policy. Any breach of this policy may result in disciplinary action which may include termination of employment.
- 16.2 Other disciplinary action that may be taken includes, but is not limited to, issuing a warning, suspension from using a mobile phone for Fitzpatrick Group's business whether permanently or on a temporary basis.

Variations

Fitzpatrick Group reserves the right to vary, replace or terminate this policy from time to time.