

Grievance Resolution Procedure

All individuals who believe that they have been subject to or observed bullying or harassment, or feel they have been wronged can file a grievance by following the procedures set out below.

If an employee feels that it would, in the circumstances, be inappropriate to approach their Manager, they should approach the Director, who will administer the policy in place of their Manager.

The approach taken to resolve the complaint may be either formal or informal or a combination of both, depending on the type and gravity of the issues of concern.

1. Informal complaint procedures

Informal procedures emphasise resolution rather than factual proof or substantiation of a complaint.

a) Informal complaint procedure

Informal ways of dealing with complaints of discrimination, harassment, sexual harassment, victimisation, intimidation or workplace bullying can include the following:

- seeking advice on possible strategies from an immediate superior, another employee or their Manager,
- the complainant asking their Manager to speak to the alleged perpetrator on their behalf; Manager privately conveys the complainant's concerns and reiterates the Company's policy to the alleged perpetrator without assessing the merits of the case,
- putting the complaint to the alleged perpetrator, and where the alleged perpetrator admits to the behaviour and investigation is not required, the complaint can be resolved through conciliation or counselling, or other appropriate disciplinary action.

b) When is an informal complaint procedure appropriate?

An informal complaint procedure is usually appropriate when:

- the allegations are of a less serious nature, but the affected employee wants it to cease nonetheless,

- the affected employee wishes to pursue an informal resolution,
- the parties are required to have ongoing contact with one another and the affected employee wishes to pursue an informal resolution so that the working relationship can be sustained.

An informal complaint procedure will not be appropriate where the alleged perpetrator's behaviour is, or may be, threatening or unpredictable, such as occupational violence. In these circumstances, the matter should be addressed using formal complaint procedures.

c) Amicable resolution

In some instances, the aggrieved employee should, wherever practicable and if they feel comfortable doing so, attempt to amicably resolve the matter with the employee/s or Manager/s or otherwise who are involved. When confronting the issue, the individual should clearly state the offensive behaviour experienced, explain that the behaviour is unwelcome and offensive and ask that the behaviour does not continue. The person may not be aware that their behaviour or conduct was causing offense or was unwelcome.

This is not a compulsory part of the complaint procedure, and if an employee does not wish to confront the person directly, then this is not encouraged.

2. Formal complaint procedures

An employee who feels they have been discriminated against, harassed, sexually harassed, victimised, bullied or subjected to occupational violence, has the right to formalise their complaint at any stage.

Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a formal complaint.

a) Process of formal complaint

A formal complaint procedure will usually involve:

- (a) appointment of an investigator who may be an employee of the Company or an external investigator,
- (b) investigation of the allegations by the investigator, including speaking to the parties and if necessary, speaking to third parties or gathering other information, such as viewing video surveillance footage or computer data,
- (c) application by the investigator of the principles of natural justice, which includes full disclosure of the allegations and issues to the parties involved, the

opportunity for each party to respond to the allegations and adopting a process that is fair and appears fair to all employees,

- (d) the investigator, after considering all available evidence, making a finding as to whether the allegations made can be substantiated,
- (e) the investigator submitting a report setting out the investigator's findings, which may include a recommended course of action to the appropriate decision maker; and
- (f) implementation of an appropriate outcome as determined by the decision maker.

Any report created as a result of a complaint made under this policy will remain the property of the Company and may be the subject of legal privilege.

The parties shall be permitted to have a support person accompany them to any interviews or meetings.

b) When is a formal complaint procedure appropriate?

A formal procedure is usually appropriate when:

- informal attempts at resolution have failed,
- the complaint involves an allegation(s) of occupational violence,
- the complainant alleging discrimination, harassment, sexual harassment or workplace bullying has been victimised for making a complaint or intending to make a complaint,
- the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties,
- the complaint is against a more senior member of the Company. Formal procedures may help to ensure that the complainant who feels they have been discriminated against, harassed, sexually harassed or bullied is not victimised, further victimised or disadvantaged,
- the allegations are denied, the complainant who claims to have been discriminated against, harassed, sexually harassed, victimised or bullied wishes to proceed and investigation is required to substantiate the complaint; or
- the complainant alleging discrimination, harassment, sexual harassment, victimisation or workplace bullying wishes to make a formal complaint from the outset.

c) Possible outcomes of a formal complaint

If a complaint is substantiated, the outcomes could include any, or a combination, of the following:

- counselling
- disciplinary action (e.g. demotion, transfer, suspension, probation or dismissal)
- official warnings that are noted on the perpetrator's personnel file
- formal apologies
- conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution
- re-crediting any leave taken as a result of the discrimination, harassment, sexual harassment, victimisation, workplace bullying or occupational violence
- Outcomes will depend on factors such as:
 - the severity or frequency of the unacceptable behaviour
 - the impact of the unacceptable behaviour on the complainant
 - whether the perpetrator could have been expected to know that such behaviour was a breach of policy
 - the level of contrition shown by the perpetrator; and
 - whether the perpetrator has received any prior warnings regarding the conduct the subject of the complaint, or been involved in any similar prior incidents.

3. Unsubstantiated claims

If a complaint is found to be unsubstantiated, no further action will be taken. If an employee makes a complaint vexatiously or one that was knowingly false, disciplinary action may be taken against the complainant.

4. Confidentiality

Whilst the Company will endeavour to preserve the confidentiality of the complainant and the person complained of, it may be necessary to speak with other workers or people involved to determine what happened and to maintain the integrity of the investigation process.

Where potentially unlawful conduct has occurred, Deterra will need to alert the appropriate authorities.

Those people who are involved in the complaint (including the complainant, witnesses etc.) are also under a duty to maintain confidentiality and display a commitment to uphold the integrity of the investigation process. If the complainant chooses to bring a support person with them to any meetings, they too are bound by confidentiality. Gossiping and/or the spreading of rumours as a result of, or in connection with, a process followed under this policy will not be tolerated under any circumstances and may lead to further disciplinary action for those concerned.