

COMPLAINTS GRIEVANCE AND APPEALS POLICY

April 2024

1. PURPOSE AND SCOPE

In all aspects of life, issues arise that may cause frustration, confusion, anger and/or a need to report an issue as a grievance or complaint.

This policy and its associated documents will:

- Work to ensure that grievances and complaints are addressed in a fair, equitable and transparent manner with the focus being on quick resolutions with a rapid re-establishment of good relations and positive outcomes
- Provide a framework to guide the actions of all MIGAS Apprentices & Trainees employees to manage and resolve grievances and complaints in a prompt, fair, confidential and effective manner.

Where issues raised have not been resolved through normal day to day communication, an internal employee, apprentice, trainee or host employer may wish to seek resolution or improvement.

The purpose of this policy is to provide for the fair and prompt resolution and to provide a clear framework under which these matters can be resolved.

2. OBJECTIVES

A grievance/complaint in the first instance should be referred to the employee's respective Supervisor or Manager or the appropriate MIGAS contact (for a host employer grievance/complaint) and discuss the issue with a view to seeking a resolution of the grievance or concern. Confidentiality will be respected at all times within the constraints of the need to fully investigate the grievance or complaint.

This policy provides guidelines in relation to:

- A grievance or a complaint regarding an apprentice, trainee, employee or host employer
- A grievance, complaint or appeal in relation to the service provided by MIGAS or its representatives

3. RESPONSIBILITIES

MIGAS

MIGAS is open to receiving feedback and resolving any grievance or complaint raised with the emphasis on resolving grievances and complaints as close as possible to the source, and as quickly as possible using the most appropriate processes. The resolution process will focus on rapid re-establishment of good relations and positive outcomes.

MIGAS is committed to ensuring that those parties bringing grievances and complaints do not experience any victimisation during the process or as a consequence of the process. To achieve the best outcomes for grievance and complaints handling MIGAS will ensure to:

- Treat complaints and grievances expeditiously with privacy, confidentiality and take them seriously
- Provide a fair, without bias, hearing following the rules of procedural fairness and allowing for natural justice
- Provide avenues for recourse and further investigation, culminating in the CEO having final decision-making authority
- Resolve complaints, where possible, at a local level and involve a minimum number of people

Further, MIGAS will provide a framework for grievance and complaints handling and resolution including:

- A Code of Conduct outlining acceptable and unacceptable behaviour
- Promoting a culture free from discrimination and harassment
- Transparent policies and procedures

Employees

Employees are defined as apprentices, trainees, and corporate staff. They have responsibilities to:

- Be aware of their own health and safety and take reasonable care that they do not adversely affect the health and safety of others
- Not tolerate unacceptable behaviour and report misconduct
- Follow the grievance and complaints resolution process when an issue arises

4. INFORMAL COMPLAINTS PROCESS

In many cases, simply telling the person concerned that their behaviour is causing distress, explaining why it is unwelcome and asking for it to stop will be sufficient. Often, the person is not aware that their behaviour is causing distress, and they will stop immediately once told.

A MIGAS employee may decide to:

- Personally approach the person or people involved to resolve their concerns by notifying them that their behaviour is unwelcome or unacceptable and that it should stop immediately and not occur again
- Speak to their direct Supervisor/Manager or Human Resources
- If necessary, seek support and counselling via the MIGAS Employee Assistance Program on 0407 086 000

5. FORMAL COMPLAINTS PROCESS

If a complaint cannot be resolved by direct discussion, or the MIGAS employee does not feel comfortable addressing the issue face to face, a formal complaint can be made in writing to the employee's direct Supervisor/Manager or Human Resources (hr@migas.com.au).

6. CONFIDENTIALITY

In the event there has been an alleged breach of this policy, confidentiality is important to protect all people concerned. If a MIGAS employee is involved in an investigation, either as a witness or as an investigator, then they must keep it confidential and not discuss it with anyone. Disclosing

information about the investigation could result in disciplinary action being taken against the employee.

MIGAS will endeavour to keep a complaint and the details of any investigation as confidential as is reasonably possible, having regard to the rights of all involved in the investigation. However, there may be circumstances where full confidentiality cannot be maintained if the complaint is to be fully investigated in a fair respectful manner according to company procedure, or if disciplinary or corrective action is required.

7. EXTERNAL COMPLAINT OPTIONS

If a MIGAS employee is not satisfied with the resolution of a complaint under this Policy, they can make a complaint to the relevant State Training Authority (if an apprentice or trainee), or to the following organisations:

Fair Work Commission

Phone: 1300 799 675

Website: www.fwc.gov.au

Email: inquiries@fwc.gov.au

The Fair Work Commission is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions such as dealing with complaints of unfair dismissal, resolving individual workplace disputes and ensuring compliance with workplace laws about pregnancy and work.

Australian Human Rights Commission

Phone: 1300 369 711

Website: www.humanrights.gov.au

Email: complaints@humanrights.gov.au

The Australian Human Rights Commission is an independent statutory body which can investigate and resolve complaints of discrimination, harassment and bullying based on but not limited to a person's sex, gender identity, intersex status, sexual orientation, disability, race and age.

8. WITHDRAWING A COMPLAINT

Complaints can be withdrawn at any time. In most cases, if a MIGAS employee withdraws a complaint then no further action will be taken. Where, however, we suspect that a breach of this policy has occurred, MIGAS reserves the right to investigate any such breach.

9. FALSE ACCUSATIONS, VEXATIOUS COMPLAINTS AND DEFAMATION

If a MIGAS employee intentionally makes false allegations that another person has engaged in conduct in contravention of this policy, then that person may be defaming the other person. It is therefore very important that all complaints of unacceptable conduct are based on truth and fact.

Intentionally false accusations, or allegations that are found to be unsubstantiated because they are of a frivolous or vexatious nature will be viewed seriously and, where found to be intentional or malicious, may result in MIGAS taking disciplinary action.

10. APPEALS PROCESS

MIGAS will make every effort to ensure that investigations of complaints are handled impartially. Where an Investigator or the Decision Maker believes they cannot carry out their role impartially, they should declare this and stand aside. The CEO will determine who should more appropriately investigate the complaint. At this time, an external investigator and/or mediator may be appointed for either role.

Where an investigation has been completed, both the complainant and the Subject of the complaint have the right to have the decision reviewed, on the following grounds:

- They can prove that relevant fact(s) have not been taken into account, and can provide those facts or reference to the Decision Maker. They must be able to show that they had either noted the facts in their initial complaint or response to the complaint, or only became aware of the facts after their complaint or response had been submitted.
- They can show that either the Investigator or Decision Maker were biased in their findings either in favour of or against the Complainant or Subject.

An appeal shall be submitted to the CEO in the first instance in all cases.

Where an employee is dissatisfied with the process, or appeal process, they can appeal to the relevant external party such as the Fair Work Commission.

11. BREACHES OF THIS POLICY

Breaches of this Policy will be viewed as misconduct or serious misconduct.

All grievances and complaints will be promptly, impartially and thoroughly managed. Appropriate disciplinary action will be taken against a person who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- A verbal or written apology
- One or more parties agreeing to participate in mediation, counselling or training
- A verbal or written reprimand or warning
- Transfer, demotion or dismissal of the person engaging in the breach

If an investigation finds no breach of policy has not occurred or cannot be substantiated, MIGAS may still take appropriate action to address any workplace issues leading to the incident.

NOTES

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