



MSL COMPLAINTS RESOLUTION POLICY AND PROCEDURE

1. PURPOSE

This Policy sets out the way in which allegations or complaints of inappropriate conduct by MSL Employees are managed. Inappropriate conduct refers to inappropriate behaviours outlined in the **MSL Policy – Respectful and Inclusive Behaviour Policy** and include, but are not limited to:

- Unlawful discrimination
- Bullying
- Harassment, including sexual harassment
- Victimisation

Other inappropriate behaviours or misconduct will be managed under the appropriate Policy.

Whilst this Policy does not apply to people outside of MSL, external parties can still be alleged offenders or witnesses to an incident involving MSL Employees.

If you have experienced inappropriate behaviour by a person/s external to MSL you are strongly encouraged to raise your concerns in accordance with this Policy.

If you have any questions, please contact the Workforce Planning Team.

2. APPLICABILITY

This Policy applies to all casual team members of MSL (**MSL Employee**).

3. OUR COMMITMENT

MSL does not tolerate unlawful discrimination, bullying or harassment, including sexual harassment, or victimisation. This Policy should be read in conjunction with applicable legislation and MSL Policies.

Together, we have a shared responsibility to continue to create a workplace in which we are respectful, feel safe, are inclusive, promote equality and value difference.



We will be proactive in preventing inappropriate behaviour. We will educate and support MSL Employees on how to prevent, intervene early, and respond to inappropriate behaviour so we can have a workplace free of unlawful discrimination, bullying or harassment, including sexual harassment, or victimisation.

On the occasion that inappropriate behaviour does occur we will adopt a people centred approach, ensuring we provide a safe, timely and impartial response to resolving any grievances.

4. WHEN TO USE THIS POLICY

- (a) to understand MSL's process in relation to reporting and/ or responding to inappropriate conduct;
- (b) to know when and how to speak up and how to access support;
- (c) to know your responsibilities and rights if you are impacted by inappropriate workplace behaviour, either as a victim or as a witness; and
- (d) to know your responsibilities and rights if you are the alleged offender of inappropriate workplace behaviour.

5. OBJECTIVES

MSL is committed to:

- (a) ensuring all MSL Employees know what is expected of them – what is appropriate and inappropriate behaviour;
- (b) ensuring that effective procedures are in place should inappropriate conduct occur;
- (c) ensuring all MSL Employees impacted by inappropriate behaviour feel listened to, respected, empowered, and supported;
- (d) taking prompt action to address any incidences of inappropriate conduct in the workplace;
- (e) treating all complaints in a sensitive, fair, timely, and confidential manner;
- (f) ensuring protection from any victimisation or reprisals;
- (g) encouraging the reporting of all incidents of inappropriate conduct regardless of who the alleged offender may be;
- (h) ensuring any disciplinary action taken is appropriate in the circumstances, taking into consideration the nature of the conduct and its seriousness; and
- (i) appropriate confidentiality and transparency in relation to the reporting of issues and outcomes through reporting systems and processes.

6. YOUR ROLE TO PLAY

- (a) promote a positive work environment and being committed to the prevention unlawful discrimination, bullying or harassment, including sexual harassment, or victimisation;
- (b) challenge inappropriate behaviours – calling out the behaviour of peers and refusing to join in with any inappropriate activity;
- (c) participate in relevant training as required;
- (d) report incidents witnessed in a timely manner to the Workforce Planning Team; and
- (e) maintain confidentiality if involved in the resolution or investigation of a complaint.

7. HOW TO RESPOND OR REPORT INAPPROPRIATE BEHAVIOUR

If you have experienced or witnessed inappropriate behaviour in the workplace, below is an easy to navigate guide to assist in knowing how to respond and/ or report an incident. There are typically four key steps to responding and/ or reporting an incident:

- Step 1: Understand your options
- Step 2: Action an appropriate option for resolution
- Step 3: Resolution reached/ outcome determined



- Step 4: Follow up and debrief

8. UNDERSTANDING YOUR OPTIONS

Incidents of inappropriate behaviour can be responded to in two ways:

1. Informal Pathway:

An informal pathway may be taken when the alleged misconduct is not of a highly serious nature or for other reasons a formal process is not necessary or appropriate. An informal process does not include an investigation and would not usually give rise to disciplinary action.

An informal pathway may involve discussions to ensure the person who is alleged to have undertaken the inappropriate behaviour understands what standards of behaviour are expected and where appropriate, is educated on the impact their behaviour may be having on others.

Wherever possible, MSL will prioritise early intervention and informal pathways that deliver timely and appropriate resolution with support in place for all parties.

Where an issue is dealt with informally, potential resolutions include:

- **Self-Resolution:** If you feel safe and comfortable to do so, you may wish to deal with the situation yourself by talking to the other person directly about their behaviour. To prepare for the conversation you may wish to seek advice on possible strategies and support from your preferred contact, i.e., the Workforce Planning Team.
- **Assisted Resolution:** You may ask your Workforce Planning Team to convey the concerns to the other person on your behalf. The Workforce Planning Team will privately convey your concerns and where required reiterate MSL's Respectful and Inclusive Behaviour Policy. Another option may be to have an appropriate person (i.e., from the Workforce Planning Team) facilitating or mediating an open and respectful conversation between the parties.

2. Formal Pathway:

A formal pathway is typically undertaken for more serious matters, including any alleged conduct which, if proven, could result in disciplinary action, including termination of employment. This pathway may be used when an informal pathway has been unsuccessful or is not appropriate in the circumstances.

The objective of a formal pathway is to enquire into the conduct alleged to have occurred to fully understand the circumstances of a reported issue.

This pathway is typically initiated through a person making a formal complaint in writing to the Workforce Planning Team. Complaints can also be made to your Team Leader, Area Team Leader, or Scheduling Manager.

Deciding which option is appropriate:

To help you choose how you wish to respond to or report a concern regarding someone's behaviour, we offer multiple options so you can speak with whomever you are most comfortable:

- The Workforce Planning Team. All members of the Workforce Planning Team have the required capability and training to appropriately support you and guide you on the most appropriate course of action
- Your Team Leader, Area Team Leader (the person you directly report to on that day) or another Leader within the business
- Your Scheduling Manager



The nature, severity and frequency of the alleged conduct is important in determining what approach should be taken. MSL has a responsibility to create a safe workplace. As such, the manner in which all serious alleged offences are managed with respect to any formal pathways is ultimately the responsibility of the Workforce Planning Team in consultation with the impacted MSL Employee.

9. RESOLUTION/ OUTCOME

Engaging in unlawful discrimination, bullying or harassment, including sexual harassment, or victimisation constitutes a breach of the **MSL's Respectful and Inclusive Behaviour Policy**. Where such behaviour is substantiated, the consequences to the person or persons against whom the complaint is made will depend on a range of factors such as the seriousness of the case.

Disciplinary outcomes may include, yet are not limited to:

- (a) formal apology, verbal or written;
- (b) coaching or mediation;
- (c) undertakings that inappropriate behaviour will cease;
- (d) clarification of expectations about appropriate conduct;
- (e) issuing a formal warning in relation to the consequences of continued behaviour; or
- (f) disciplinary action, including demotion or termination of employment. In some instances, a breach may also result in criminal charges being pursued.

If an investigation reveals that any person has deliberately made a vexatious and malicious complaint, that person may also be disciplined. Furthermore, disciplinary action may be taken if it is found that a person has victimised or penalised a person because that person has made, or intends to make, a complaint.

10. PRIORITISING YOUR SAFETY AND WELLBEING

The impact of unlawful discrimination, harassment including sexual harassment, bullying and victimisation can be significant and can be felt immediately, emerge over time and/ or result in long-term trauma.

MSL will ensure all parties receive the appropriate care and wellbeing support during and post any informal or formal processes:

- (a) issues raised will be managed sensitively, taken seriously, and approached with integrity. MSL take interim action in the interests of health and safety that is supportive and sensitive to the possibility that the reported behaviour occurred, without making conclusions;
- (b) if you share your experience we will, to the extent possible, ensure you do not need to retell your story to multiple people;
- (c) everyone directly impacted by an issue, including those who report a matter and alleged offenders, will have access to trained confidantes/ peer support advocates, or referral pathways to external support services;
- (d) all parties involved will be kept well informed and supported throughout the process; and
- (e) confidentiality will be maintained.

11. CONFIDENTIALITY

Any complaint raised by MSL Employees will be kept confidential as far as possible. If any details of a complaint are provided to a third party, there must be a clear and substantial reason for that disclosure.



Any person involved in a complaint, including as a complainant, respondent, or witness, must maintain confidentiality in respect of all aspects of the complaint process.

Confidentiality means not discussing or providing information about the allegations and details of inappropriate behaviour, speculating on potential outcomes or information provided, or sharing. This includes not discussing the allegations within the workplace, gossiping, or spreading information to others.

In some circumstances it will not be appropriate to maintain confidentiality and disclosure of information will be required. These circumstances include where there is potential of serious risk to the health and safety of the team member or someone else. Any such disclosure will first be discussed with the person who has provided the information.

12. RECORD KEEPING AND INFORMATION SHARING

12.1 MSL is committed to making and retaining accurate records of reports of child safety related concerns and complaints.

12.2 MSL will maintain records and outcomes of investigations and resolutions of concerns and complaints. In maintaining records of reports about child safety, MSL will maintain confidentiality and privacy for children and young people and families in accordance with legislation.

12.3 As part of MSL's commitment to continuously improve its children and young people safety practices, MSL will review identified risks to children and young people through the incident management and record keeping process and will incorporate those risks into the risk management plan.

12.4 From time to time, MSL may share relevant information to promote the safety and wellbeing of children and young people where appropriate and in their best interest. This may include sharing information with external authorities to comply with the law or to prioritise the safety of a child or young person.

13. PRIVACY

Protecting personal information is fundamental to MSL. MSL will comply with all privacy laws (including the *Privacy Act 1988* (Cth) and the Australian Privacy Principles) in handling any personal information as required by this Policy. All personal information collected or recorded by MSL in relation to the safety of children and young people will be treated seriously and MSL will respect the privacy of the individuals involved.

On occasion, to support the safety and wellbeing of children and young people, MSL may share information both internally between MSL departments and/or with relevant external bodies. Any information shared will be done in a confidential manner and in accordance with applicable data protection legislation and MSL's Privacy Policy.

14. FEEDBACK AND QUESTIONS

It is important to MSL that all examples of inappropriate behaviour and formal complaints are dealt with in a sensitive and timely manner, and that all MSL Employees are confident to use the procedures MSL have in place to resolve issues or complaints.

Should you have any questions or concerns about this procedure, or an issue that you would like to raise, please speak directly to the Workforce Planning Team.