



# GRIEVANCE POLICY

## Commitment

The company is committed to:

- promoting positive, productive workspaces.
- providing a fair and transparent process for the resolution of grievances or complaints raised by employees regarding employment related matters.
- responding timeously and effectively grievances or complaints raised by employees.
- providing means for subcontractors and suppliers and their workers; or members of the community, to have a means of raising concerns, providing feedback or submitting a complaint.
- applying the principles of natural justice to the implementation of this policy.

## Introduction

### Purpose

This Policy has the objectives of providing advice to stakeholders on:

- what constitutes a grievance or complaint.
- who they can talk to in relation to a grievance or complaint.
- procedures that the company has in place to review and manage grievances or complaints.
- provide a mechanism to raise, assess, investigate and respond to any concerns, feedback and complaints

### Application

This Policy applies to circumstances including, but not limited to:

The behaviour of people in the workplace, including discrimination, harassment, sexual harassment, bullying and victimisation as described in the following Policy's:

- Diversity and Inclusion
- Bullying, Harassment and Discrimination
- decisions and the decision-making processes
- the physical work environment



## Scope

This Policy:

- applies to all employees of CIP Consolidated Pty Ltd and its subsidiary companies.
- Subcontractors and suppliers and their workers, local communities, or anyone who could be impacted by CIP Constructions business operations.
- does not form part of any Employee's contract of employment and may be amended at any time.

## Duration

This Policy remains in effect:

- for the duration that an employee is in the employ of CIP Consolidated Pty Ltd and its subsidiary companies.
- for the duration that a stakeholder is impacted by CIP Constructions business operations.
- until a new or revised Policy is issued.

## Definitions

- Complainant: *The person who has grievance and is making a complaint.*
- Respondent: *The person to whom the grievance relates or who has had a complaint made against them.*
- Witness: *Anyone who can provide information that is relevant to a grievance or its resolution.*
- Investigator/s: *Person/s who take/s responsibility for investigating and resolving the grievance in accordance with fair grievance handling principles.*
- Representative/s: *Person that is not a practising solicitor or barrister. The Representative should not be a person involved in the complaint/grievance or a party to the complaint/grievance.*
- Sexual Assault: *Any unwanted or forced sexual act or behaviour without consent.*
- Bullying:
  - *is when a worker or stakeholder is subject to repeated unreasonable behaviour, by an individual or groups of individuals, which creates a risk to their health and safety,*
  - *includes behaviour outside the workplace including work related threats,*
  - *does not include reasonable management action carried out in a reasonable manner.*



- *may include:*
  - *aggressive and intimidating conduct.*
  - *belittling or humiliating comments or offensive language.*
  - *victimisation.*
  - *psychological harassment.*
  - *spreading malicious rumours, practical jokes or initiation.*
  - *exclusion from work-related events.*
  - *pressure to behave in an inappropriate manner.*
  - *unreasonable work expectations, deliberately changing work rosters or assigning*
  - *meaningless tasks unrelated to the job.*
- *Discrimination: Treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.*
  - *Direct*
    - *Where a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.*
  - *Indirect*
    - *Where an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.*
  - *Protected by Law*
    - *Protected personal characteristics under Federal discrimination law include:*
      - *A disability, disease or injury, including work-related injury.*
      - *Parental status or status as a carer*
      - *Race, colour, descent, national origin, or ethnic background.*
      - *Age.*
      - *Sex, sexual orientation and gender identity.*
      - *Industrial activity.*
      - *Religion.*
      - *Marital status.*



- *Political opinion.*
  - *Social origin.*
  - *Medical record.*
  - *An association with someone who has, or is assumed to have, one of these characteristics.*
- *Vilification: Incitement of hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality or gender identity of the person or members of the group.*
- *Victimisation:*
  - *subjecting or threatening to subject someone to a detriment because they have:*
    - *asserted their rights under this policy, made a complaint, helped someone else make a complaint.*
    - *refused to do something because it would be discrimination, harassment, sexual harassment, or victimisation.*
  - *threatening someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.*
- *Vexatious*
  - *dishonest or intentionally misleading information.*
  - *malicious; pursued with undue persistence.*
  - *the intent to harass or cause delay or detriment.*
- *Reasonable Management Action*
  - *reasonable conduct by management.*
  - *reasonable cause for the management action to be taken.*
  - *management action carried out in a manner that is reasonable and does not humiliate.*
  - *a focused on how performance is managed.*
- *Repeated Behaviour: refers to persistent behaviour or a range of behaviours over time.*
- *Complaint:*
  - *a complainant's expression of dissatisfaction that their rights, existing interests and/or reasonable expectations under this policy have been adversely and unjustifiably affected because of an action, decision or omission within the control or responsibility of the company.*
  - *providing detailed information seeking disciplinary action or other resolution against the respondent. The Claimant may request a Sample Grievance Form to be sent directly if needed.*



- Complainant: *A person(s) who makes a complaint about a matter that they wish the company to consider and for which outcome(s) or resolution(s) are explicitly or implicitly expected.*
- Respondent: *A person(s) against whom a complaint is made.*
- Consent:
  - *the free and voluntary agreement to participate in an activity which may include an intimate or sexual relationship given by a person with the cognitive capacity to do, so,*
  - *an agreement which can be given and subsequently withdrawn at any point.*
  - *Consent is not freely and voluntarily given if the person is:*
    - *under force.*
    - *unconscious or asleep.*
    - *under the influence of drugs or alcohol.*
    - *under threat or intimidation or in fear of bodily harm.*
    - *subjected to the exercise of authority.*
    - *under false or fraudulent representations about the nature or purpose of the act.*
    - *under a mistaken belief that the offender was someone else.*
- Natural Justice: *(also known as procedural fairness) concerned with the rights and procedures used by a decision-maker in making a decision, rather than the substance of the decision made. It requires a fair and transparent process.*

*A complainant and respondent must both be afforded natural justice, which includes the respondent being sufficiently informed of the allegation to allow for a meaningful response.*

*Natural justice requires:*

  - *the right to be fully apprised of the allegation(s), including the particulars of the allegation(s).*
  - *the right to be heard.*
  - *the right to be treated without bias or conflict of interest.*
  - *a decision based on evidence.*
- Stakeholder: *An employee, worker, or member of a community impacted by CIP Constructions business operations.*
- Worker: *Under the Fair Work Act, a worker is any of:*
  - *an employee, a contractor, a subcontractor, an outworker, an apprentice, a trainee or a work experience student.*



### Legal References to this Policy

- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Workplace Gender Equality Act 2012 (Cth)

### **Technology**

Discrimination, harassment and bullying can occur through electronic means (e.g. emails, text messages, by viewing prohibited websites) and through social media, regardless of whether the post was made during work hours or not.

Where there is a link to employment, employees are subject to the same rules regarding discrimination, harassment and bullying in the virtual world as they are in the real world.

As such, employees are expected to use technology and social media responsibly in the workplace and in relation to anything or anyone associated with the workplace. This extends to the use of technology and social media outside of the workplace where there is a strong connection to the employment relationship (e.g. between colleagues where the foundation of the relationship is a common workplace).

### **Responsibilities**

#### Company

- Promote a discrimination-free and inclusive workplace and a healthy workplace culture.
- Ensure that information and education is provided to all employees to ensure awareness of their responsibilities under this policy and under law.
- Provide mechanisms for reporting, investigating and managing instances of discrimination, harassment or bullying.

#### Individuals

All employees have responsibility to:

- take reasonable care for their own health and safety.
- take reasonable care for the health and safety of others.



- comply with any reasonable instruction from the company.
- comply with all applicable company Policies and Procedures.

### Managers

Are accountable for:

- modelling appropriate behaviour.
- promoting this policy.
- treating complaints seriously and attending to them promptly.

## **Confidentiality**

### General

The nature of the types of conduct prohibited by this policy and obligations that the Company has when it is made aware of such conduct means that confidentiality must be maintained throughout the process.

### Application

Maintaining confidentiality means that only those who need to know about the issue in order to help resolve it and prevent further incidents will know the details.

This means that there may be times when a person's request that the information 'goes no further' than the person they reported the issue to, cannot be complied with.

Support and protections for complainants and witnesses exist and, will be explored in supporting disclosure and use of information provided in a way that ensures the conduct is appropriately managed.

The company will prioritise and protect the identity of a person impacted as well as anyone else that an investigation reveals, has been subjected to prohibited conduct.

### Disclosure

Only relevant persons in the company will be advised of the disclosure/complaint and any arrangements necessary for the purpose of managing the disclosure/complaint.

At the time a disclosure/complaint is made, the Company will notify the complainant as to the



parties who, within the organisation, will be privy to this information.

Given the nature of the issues covered by this policy and the importance of ensuring the integrity of the complaint process, once a complaint under this policy has been made, any person involved in the complaint respondent, witnesses, interviewees and representatives is required and expected to keep all details of the complaint and process of resolution confidential until the process is concluded (with an exception for receiving legal advice or expert medical or support services).

### Breaches

Breaches of confidentiality are considered a breach of this Policy and may result in disciplinary action, up to and including termination of employment.

## **Reporting**

### General

Any employee who believes they have experienced or witnessed behaviour which contravenes this Policy has an entitlement to make a Complaint under this policy.

### CIP Constructions Protection Officers

The following positions are designed as Protection Officers within the company:

- Chief Executive Officer
- Head of People & Culture
- Chief Financial Officer
- National HSEQ Manager
- General Manager Operations
- Company Secretary

#### Contact Details

**Phone:** 1800 829 877

#### **Company Intranet:**

[Employee Resources / Employee Contact List](#)

#### **Email:**

contact person's name.surname @company email address.

Name.Surname@cipconstruct.com.au

#### **Email:**

[community@cipconstruct.com.au](mailto:community@cipconstruct.com.au)





### Representatives

At any stage of the process under this policy, the employee may seek the assistance and support of a Representative.

- an informal complaint.
- a formal complaint.
- an alternative dispute resolution.

### Prohibited Action

It is a breach of this Policy to victimise, harass or take reprisal action against any person participating in procedures associated with this policy.

Such actions will be taken seriously and may result in disciplinary action, up to and including termination of employment.

### Reporting Options

A Stakeholder who wishes to make a complaint under this policy, has the following options:

- an informal complaint.
- a formal complaint.
- an alternative dispute resolution.
- referral to an external body (e.g. counselling service, police).
- reporting the matter through avenues noted in the **Whistle Blower policy**.

The options are exclusive to each other, and a Complainant has the right to choose which option best suits their requirements.

### Informal Complaint

- What is?
  - This option focuses on resolution of the issue rather than substantiation of the underlying concern or complaint and may be appropriate where the person raising the concern wishes to resolve the issue informally.
  - The informal process must be carried out in good faith and according to the principles of natural justice.



- Process
  - Where the Complainant feels safe to do so, they are encouraged to initiate a conversation letting the Respondent know that their behaviour is impacting the Complainant and/or others and request that it stops.
  - The Complainant can also approach their supervisor or next level manager to request support to address the behaviour.
    - A meeting should be held between the parties to discuss the alleged behaviour.
    - Such a meeting should be held in a meeting room or other private location.
    - Inclusion of another independent party to witness / arbitrate the discussion is recommended.
- Evidence
  - Informal complaints do not necessarily require formal evidence. However where such information is available, it may include emails, text messages, security camera footage, witness statements.
- Confidentiality
  - Notwithstanding that an informal complaint provides an opportunity for a Complainant to advise of their concerns, the discussion and information supplied should remain confidential between the relevant parties.
- Resolutions
  - Potential outcomes of the informal process may include:
    - an apology.
    - an agreement between the parties on acceptable behaviour.
    - resetting expectations of behaviour for all parties by the supervisor or next level manager.
    - undertaking internally provided training programs.

### Formal Complaint

- What is?
  - Formal processes involve investigating the complaint, making a finding as to whether the conduct complained of occurred, and deciding on an appropriate outcome.
  - The process is undertaken in line with relevant legislation, organisational policies, procedures and enterprise agreements.



- Both the complainant and respondent are afforded natural justice and procedural fairness. Process
- Lodging
  - The Complainant should lodge the formal complaint in writing (e.g. confidential email) to their supervising Manager or any of the nominated Protection Officers.
  - The complaint should include detailed information including:
    - a description of the event/s or incident/s which occurred (e.g. dates, time, location, the allegation, witnesses etc)
    - details any evidence to support each event/s or incident/s in the complaint
    - name/s of person against whom the allegation is made
    - (if relevant) details of any action steps that taken to try to resolve the complaint
    - names and contact details of any witnesses or other person who may support the complaint
    - outcomes sought
    - The Claimant may request a Sample Grievance Form to be sent directly if needed.
- Receipt
  - On receipt of the written complaint, the receiving person should advise the Complainant:
    - that their complaint has been received
    - of the next stages of the process (e.g. review and investigation) and the expected duration of each.
- Review
  - On receipt of the written complaint, the receiving person should:
    - review the details of the Complaint.
    - (as relevant) refer the Complaint to the other Protection Officers for review and determination of next stages.
- Investigation
  - Where a formal investigation is deemed to be required, the Company at its discretion may:
    - investigate internally, or appoint an external independent investigator.



- During the investigation process:
  - the Respondent will be fully apprised of the allegations against them
  - the Complainant, Respondent and any witnesses will receive information about the standard of conduct expected during the investigation process, including confidentiality
  - participants will be advised of information relevant only to their participation in the investigation
  - the Complainant and the Respondent will have the right to be heard and be treated impartially and without bias
  - the Complainant, Respondent and any interviewees will be afforded the right to a Representative at discussions or interviews throughout the process
  - all parties will be required to acknowledge that information relating to the investigation could contain confidential, sensitive or personal information or material.
    - E.g. interviews, statements, emails, phone records, text or data messages, photos, etc.
- Findings
  - Findings, including reasonings, regarding the allegation will be notified in writing to the Complainant and the Respondent.
  - All other parties will receive communication to confirm their involvement, or the investigation process has concluded.
- Report
  - Any report drafted and tabled following the investigation:
    - will remain confidential.
- Actions
  - On completion of an investigation, and where allegations are substantiated, the CEO will determine appropriate actions under this Policy and/or the CIP Constructions Policy: Disciplinary Management.

## **Training**

### General

General information on this policy will also be provided:

- within the Employee Induction Handbook provided at the time that an employee undertakes their initial company induction
- periodically through refresher training.



## **Alternative Resolution Options**

### Reluctance to report internally

Where a complainant may be reluctant to make a report internally, or may have concerns about potential damage to reputation, career and situations of significant power imbalance, alternate options for discussion and reporting exist and include, but are not limited to:

- **1800RESPECT:** 1800 737 732
- **Beyond Blue:** 1300 22 4636
- **Lifeline:** 13 11 14
- **National Aboriginal and Torres Strait Islander Advocacy Services:** 1800 238 622
- **People With Disability Australia:** 1800 843 929

### Options

Processes which may assist with the resolution of a complaint, which can be undertaken at any stage of the complaint management process, are voluntary, but must be agreed between both parties.

- Mediation
  - A process in which the Complainant and the Respondent, with the assistance of an independent dispute resolution practitioner (the mediator) negotiate in an endeavour to come to a mutually agreed resolution. The mediator has no advisory or determinative role.
- Facilitation
  - A process in which the parties (usually a group), with the assistance of an independent dispute resolution practitioner (the facilitator) identify problems to be solved, tasks to be accomplished or disputes issues to be resolved. The facilitator has no advisory or determinative role.
- Conciliation
  - A process in which the Complainant and the Respondent, with the assistance of an independent dispute resolution practitioner (the conciliator), identify the issues, develop options, consider alternatives and endeavour to reach an agreement.
  - The conciliator may have an advisory role on the dispute or the outcome of its resolution, but not a determinative role.



### Referral Externally

While employees (and other Stakeholders) are strongly encouraged to use the provisions of this Policy, they have the right to have to seek advice from and/or lodge a Complaint with an external body including:

- Police
- Anti-Discrimination Commission
- Fair Work Commission
- WorkSafe

### Review

This policy will be reviewed every two years, or more frequently as required by changes in legislation and other developments, to ensure compliance with laws, regulations and governance best practices.

**Mark Hendry**

Chief Executive Officer

Date: April 2024. Next Review Date: April 2025