*This example procedure has been developed by Live Performance Australia. It is a tool that organisations can use to assist them in their business. Organisations may tailor or alter this template to suit their individual circumstances. However, if organisations make significant changes to the template, we recommend you seek legal advice. It is not compulsory for organisations to use this template.*

 <Insert company name>

Complaint Handling and Investigation Procedure – Workplace Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation

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# Purpose

This procedure outlines how workers can raise concerns and report discrimination, harassment, sexual harassment, bullying, vilification and victimisation, and how <Insert company name> will respond.

<Insert company name> encourages any worker who has experienced or witnessed behaviour that may constitute discrimination, harassment, sexual harassment, bullying, victimisation or vilification to report the behaviour to the <Insert relevant manager or Contact Person here> (e.g. company manager/ stage manager/ general manager/ tour manager/ director/ producer/ human resources manager/ head of department or the Complaints Person).

<Insert company name> aims to respond to reports and concerns as quickly as possible.

<Insert company name> recognises that the conduct of a worker may be regarded on a scale from minor to extremely serious. <Insert company name> will usually deal with a report in accordance with this procedure. However, where it is considered appropriate to do so, <Insert company name> may deal with the report in an alternative way, in order to resolve it in a confidential, efficient and sensitive manner. The processes to be applied in determining whether a breach has occurred, and the consequences of a breach, are at the discretion of <Insert company name>.

# Who this procedure applies to

This procedure applies to all workers engaged by <Insert company name>, which includes, but is not limited to:

company owners and board members;

leadership and management personnel (e.g. producers, promoters, CEOs, executive directors, artistic director, general managers, company managers, heads of department, human resources managers, managers, supervisors);

performing, production and support personnel (e.g. actors, dancers, directors, choreographers, writers, stage management, chaperones, technical crew, front of house, administration and office employees);

full-time, part-time, seasonal and casual employees; temporary or permanent staff;

job candidates, including people auditioning for roles;

student placements, apprentices, work experience students/interns;

contractors, sub-contractors and secondees (e.g. casting, talent and freelance agents who have been contracted or sub-contracted for a specific purpose); and

volunteers and anyone working in an unpaid capacity.

All workers must comply with the procedures set out in this document, which may be amended from time to time.

This procedure extends to every associated entity of <Insert company name> within the meaning of section 50AAA of the *Corporations Act 2001* (Cth).

# Making a report

## Who can raise a concern or make a report?

Any worker can raise a concern or make a report if they believe they have witnessed or experienced discrimination, harassment, sexual harassment, bullying, vilification or victimisation, or believe that there may have been a breach of <Insert company name>’s Workplace Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation Policy.

This Complaints Handling and Investigation Procedure only applies to reports about potential breaches of <Insert company name>’s Workplace Discrimination, Harassment, Sexual Harassment, Victimisation and Bullying Policy.

## How to raise a concern or make a report

Reports can be made to <Insert company name> or an external body. Reporters may make a report or complaint through whichever channel they choose.

Workers are encouraged to raise any concerns or report with <Insert relevant manager or Contact Person here> so that <Insert company name> can provide the worker with support, and consider whether it is appropriate to take steps to address the conduct and prevent risks to the health, safety and wellbeing of any person. Where <Insert relevant manager or Contact Person here> is unavailable or it is not appropriate for them to be involved in the process, the reporter should contact <Insert alternative manager or Contact Person here>.

Before making a report, a worker may wish to seek guidance from <Insert relevant manager, Contact Person or Complaints Person here>, who can provide them with general information about their options and the supports available.

There is no time limit for a person to report discrimination, harassment, sexual harassment, bullying, vilification or victimisation to <Insert company name>. However, workers are encouraged to report concerns promptly as <Insert company name>’s ability to effectively respond to and prevent the alleged conduct will diminish over time.

If a worker does not feel comfortable raising a report with <Insert relevant manager, Contact Person or Complaints Person here>, they may wish to seek independent guidance from and/or report the alleged conduct to one of the following organisations:

Australian Human Rights Commission;

Anti-Discrimination New South Wales;

Victorian Equal Opportunity and Human Rights Commission;

Anti-discrimination Commission Queensland;

Equal Opportunity Commission Western Australia;

South Australian Equal Opportunity Commission;

Equal Opportunity Tasmania;

ACT Human Rights Commission;

Northern Territory Anti-Discrimination Commission;

Fair Work Commission (for reports related to discrimination, bullying and sexual harassment);

Relevant union (e.g. Media, Entertainment and Arts Alliance); or

The police (if the allegations are of a criminal nature such as physical or sexual assault).

While workers may choose to raise a concern or report with one of the organisations listed above, it is <Insert company name>’s preference that any concern or report is raised internally with the appropriate person in the first instance, so that <Insert company name> can take prompt steps to support the reporter, prevent and address the conduct.

Workers may raise concerns or make reports verbally or in writing. Depending on the nature of the report, <Insert relevant manager or Contact Person here> may ask the reporter to document the report in writing (e.g. in an email or using <Insert company name>’s complaint form), or provide them with a summary of what was reported.

If a worker makes a complaint or report to an external body, it may be appropriate for <Insert company name> to suspend this procedure while that process is ongoing (e.g. if the matter involves criminal allegations, the <Insert company name> should seek approval from Police before proceeding with its response to the report). However, the <Insert company name> may still take steps to address and prevent the alleged conduct.

# Precautionary measures

<Insert company name> may put in place temporary or permanent precautionary measures in response to an alleged or anticipated incident of discrimination, harassment, sexual harassment, bullying, vilification or victimisation to protect the health, wellbeing and safety of all workers.

The <Insert relevant manager, Complaints Person or Contact Person here> may consult with the <Insert relevant manager> or their delegate about precautionary measures. Precautionary measures may include (but are not limited to):

restricting the respondent’s access to the premises or property;

suspending a person from the work; and/or

relocating the respondent (or the person who experienced the alleged conduct, on their request) to minimise interactions between the respondent and the person who experienced the alleged conduct.

Precautionary measures are not a penalty or sanction.

# Immediate steps to support the parties

<Insert company name> may take immediate steps to support and protect the reporter and other relevant parties in relation to alleged conduct. This may include:

providing referrals to medical, counselling or support services;

supporting the person affected to report the matter to the police where there is a serious or ongoing risk to the health, safety or wellbeing of any person; and/or

temporary changes to work arrangements, including to supervision and reporting.

# Key considerations when dealing with reports

## General considerations

In considering how to respond to a report, <Insert company name or title> may consider any factors it considers are relevant in the circumstances, including:

the needs and wishes of the person who has experienced the alleged conduct;

the seriousness of the alleged conduct, and <Insert company name> obligations, including in relation to occupational health and safety, its duty of care, and to workers under the *Fair Work Act 2009* (Cth);

 whether there is a risk to the health or safety of the person who experienced the alleged conduct, or any other person;

 whether the report relates to a person under the age of 18;

 what investigative or other actions, if any, are available to <Insert company name>;

 whether two or more people name the same respondent in separate reports or <Insert company name> is concerned the report may suggest a pattern of behaviour by the respondent;

 any relevant obligations and processes or sanctions that are available to <Insert company name> under the terms of any contract between the respondent and <Insert company name>; and/or

 procedural fairness to the respondent.

None of these factors are determinative.

## Confidentiality

When a report is raised, <Insert company name> will maintain confidentiality to the greatest extent possible, taking into account its obligation to provide a safe work environment.

Workers who are directly involved in a complaint or an accompanying investigation (whether as a complainant, respondent, witness, or support person) must maintain confidentiality consistent with this procedure and any directions or requests by <Insert company name>. This is important to ensure that witnesses have not had the chance to collaborate or influence each other, minimise the potential for victimisation, and protect the privacy and reputation of the parties.

[Optional] Affected individuals may disclose concerns to the leadership of the employer, seek confidential professional advice (e.g. from a union representative, lawyer or psychologist), or report their concerns to the police or a relevant court, commission or tribunal.

A failure to maintain confidentiality may result in disciplinary action.

## Procedural fairness

Where an allegation is made against another person, that person is entitled to procedural fairness. This generally means that <Insert company name> will not make a decision that could adversely affect a respondent unless it has given that person an opportunity to respond.

## Support person

A participant in the investigation may wish to have a support person present during the complaint handling process, such as another worker, a friend, family member or union representative. The support person should not be a party to the report or a witness to the behaviour that is the subject of the report.

A support person’s role is to provide emotional support; they should not act as an advocate or speak for the participant. A support person is required to keep all details of the report and investigation confidential.

The participant should notify the Complaints Person, as soon as practicable, if they would like to have a support person present during an investigation. The participant should provide the Complaints Person with the details of the support person, so that the request can be considered. A request for a support person to be present will not be unreasonably refused. Reasonable efforts will be made to accommodate the availability of a participant's support person. However, if the support person’s availability unreasonably delays the process, the participant will be advised to nominate another support person.

If a participant does not request to have a support person present during meetings, this should be recorded, as well as whether the participant was offered a support person.

# Dealing with reports

## Deciding the most appropriate course of action

If a worker believes they have witnessed or experienced discrimination, harassment, sexual harassment, bullying, vilification or victimisation, and they feel comfortable doing so, they may wish to deal with the situation themselves – that is, raise the issue directly with the person(s) concerned, explain why the behaviour is unwelcome, and ask for it to stop. This may be effective particularly if the person(s) was/were unaware of the impact of their behaviour but will rarely be appropriate where there is a power imbalance or the conduct is serious (e.g. sexual harassment).

If a worker’s concerns remain unresolved or the worker is not comfortable dealing with the situation themselves, the concern or report can be raised with <Insert relevant manager or Contact Person here>.

Once a concern has been raised or a report has been made, <Insert relevant manager or Contact Person here> will outline to the reporter the options available for dealing with the concern or report.

Options include following: <Insert company name>’s internal informal or formal procedure, or raising the report with an external agency such as the Australian Human Rights Commission, Fair Work Commission, or with the police if the allegations are of a criminal nature.

**Informal procedures** emphasise resolution rather than factual proof or substantiating a report.

**Formal procedures** focus on proving whether a report is substantiated. A formal complaint procedure will be more appropriate where the alleged behaviour is of a serious nature and, if substantiated, could lead to disciplinary action (e.g. termination of employment).

It will not always be appropriate for the reporter to decide whether the matter should be addressed formally or informally, although <Insert company name> will consider their preference.

In some circumstances, the seriousness of the allegations may mean that it is necessary for <Insert company name> to investigate the allegations (e.g. to prevent serious or imminent risks to health, safety or wellbeing). For this reason, <Insert company name> may initiate or progress an investigation without the involvement of the reporter or the person who experienced harm. This may involve de-identifying details of the people involved with the report where it is possible to do so.

### Reporters wishing to remain anonymous

Where the reporter advises they wish to remain anonymous, <insert company name> will use its best endeavours to manage the reporter’s concerns, while ensuring there is an appropriate balance in fairness to all parties concerned.

This may include:

recording the report in a de-identified way;

 removing references of the reporter and subject of the harm from allegations provided to the respondent (where necessary or appropriate);

 reiterating to all workers <Insert company name>’s Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation Policy, complaints procedure and available supports, and inviting workers to make reports;

 speaking with other members of the alleged respondent’s team to identify whether there is a cultural issue or pattern of conduct, or surveying workers more broadly;

 closely monitoring the workplace for inappropriate conduct or victimisation;

 implementing new work systems that reduce the likelihood or opportunity for further harm; or

 if the report raises broader cultural or systemic problems in the workplace, investigating those issues.

In some cases, it may not be possible to investigate a report if the reporter wishes to remain anonymous, due to the right of the respondent to procedural fairness.

In some circumstances, the seriousness of the allegations may mean that it is necessary for <Insert company name> to investigate the allegations raised by a reporter wishing to remain anonymous (e.g. to prevent serious or imminent risks to health, safety or wellbeing). This may involve de-identifying details of the reporter wishing to remain anonymous, where it is possible to do so.

### Dealing with reports which may constitute a criminal offence

Some conduct can also give rise to criminal offences, including physical assault, sexual assault, stalking or cybercrime, which is where a carriage service is used to menace, harass or cause offence. This can include conduct that occurs over the phone, in text messages or online.

Where a worker considers that the alleged conduct may be a criminal offence, <Insert company name> will offer support to the worker, which may include supporting them to report the matter to the police. In situations where <Insert company name> becomes aware of or has reasonable grounds to believe that a criminal offence has been committed against a child or young person, an adult worker of <Insert company name> may be required to report the matter to the police or relevant authority, and will do so consistent with the <Child Safety Policy and Child Safety Procedure>.

[Guidance note (delete this later): Under Work Health and Safety laws, <insert company name> also has an obligation to notify the relevant regulator of certain types of workplace incidents.]

If the person who has reported or experienced the alleged conduct and does not wish to report the matter to the police, <Insert company name> will:

make and retain a secure incident report of the conduct reported and the steps taken to minimise further risk of harm (consistent with 7.2 below);

consider whether any workers at <Insert company name> are required to report the incident;

consider whether a de-identified report should be made to police;

offer the reporter or person affected access to counselling or other support;

if appropriate, consider whether it is necessary to implement any changes to the workplace to provide the worker with a safe work environment, while the report is being investigated; and

deal with the report consistent with the policy and this procedure.

## Incident report

Where a worker raises a concern or makes a report, <Insert relevant manager or Contact Person here> should record details of the alleged incident and the steps taken to address the alleged conduct, including:

time, date, location of the alleged incident;

nature of the alleged incident;

the people involved;

what action was taken to resolve the alleged incident;

why no further action was considered necessary; and

that the matter was not investigated and no findings were made in relation to the alleged conduct.

If <Insert company name> becomes aware of a concern (e.g. unusual tension in the rehearsal room) and believes it is necessary, <Insert relevant manager or Contact Person here> should prepare an incident report and outline the steps taken to minimise any risks.

## Informal complaint procedure

There is no one-size-fits-all response to deal with reports informally. The most appropriate response for dealing with reports informally will depend on each individual circumstance and the nature of the report.

### When will a report be dealt with informally?

 <Insert company name> may decide to deal with a report informally if:

the report is of a less serious nature and can be most effectively dealt with informally;

 <Insert relevant manager or Contact Person here> considers the report can be most effectively dealt with informally and the reporter agrees;

the reporter requests that the matter be dealt with informally and <Insert relevant manager or Contact Person here> considers this appropriate; and

the report has arisen from a misunderstanding or lack of, or unclear, communication.

### How will a report be dealt with informally?

Informal ways of dealing with reports and concerns will focus on addressing and resolving the concern rather than considering whether the allegations are substantiated. Informal resolution may include, but are not limited to, the following:

the reporter may decide to deal with the situation themselves but may seek advice on possible strategies from <Insert relevant manager or Contact Person here>;

<Insert relevant manager or Contact Person here> may facilitate a direct private discussion or mediation between the reporter and the respondent (where the parties agree to participate);

an impartial third person may convey information between those concerned;

an impartial third person may help those involved to talk to each other and find a resolution;

where the respondent admits the behaviour and an investigation is not required, the report may be resolved through conciliation or counselling;

the reporter may ask <Insert relevant manager or Contact Person here> to speak to the respondent on their behalf, and privately convey the reporter’s concerns and reiterate <insert company name>’s policy to the respondent without assessing the merits of the case; or

a supervisor or manager that observes unacceptable conduct may take action even though no formal report has been made.

An informal report may also be dealt with without individually identifying a respondent. Informal ways of dealing with the report can also include collective actions such as:

providing a refresher training and information to all workers about acceptable and unacceptable behaviours under <Insert company name>’s policy;

redistributing and again explaining the policies;

requiring workers to complete training;

making alterations to working arrangements to reduce the risk;

speaking with other members of the alleged respondent’s team to identify whether there is a cultural issue or pattern of conduct, or surveying workers more broadly; and

closely monitoring the workplace to ensure victimisation does not occur and intervening where issues arise.

In some instances, <Insert company name> may engage an independent mediator.

<Insert relevant manager or Contact Person here> will document steps taken to address and resolve a report using an informal process.

An informal process may be formalised at any point where <Insert relevant manager or Contact Person here> considers it appropriate, particularly where an informal process has been ineffective or additional concerns are raised.

## Formal complaint procedure

### Steps involved in a formal complaint and investigation

The usual process for dealing with formal complaints is set out below. However, where it is considered appropriate to do so, <Insert company name> may alter the process and advise the reporter of the new complaint handling and investigation process.

As part of a formal complaint process, <Insert company name> will appoint an impartial or independent person to investigate the complaint (Complaints Person). This may be a person employed by <Insert company name> or an external investigator.

Please note that <Insert company name> will use its best endeavours to adhere to the timeframes outlined in this procedure. If the proposed timeframes are not workable, <Insert company name> will endeavour to update the reporter and respondent.

**Step 1: Obtain information from the reporter**

The Complaints Person will contact the reporter to better understand the report and obtain any additional information as soon as possible. At this time, the Complaints Person may seek or provide further information that the Complaints Person considers relevant, including, for example, to:

confirm whether the reporter has received a copy of <Insert company name>’s Workplace Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation Policy and Complaint Handling and Investigation Procedure, and provide a copy where appropriate;

provide information about the complaint process, options, potential outcomes, options for assistance/support and protections from victimisation;

ensure the allegations are documented in writing, either by the reporter or the Complaints Person, and securely stored and retained;

explain that the process is confidential, what this means and why it is important;

explain what records of the report will be kept, for how long and where;

ask the reporter to provide relevant documents or details of witnesses that may support the allegations;

clarify the extent to which they are willing to be identified; and

seek the reporter’s input on how they would like <Insert company name> to respond (without committing to their preferred approach).

Where there is a concern about supporting information being destroyed or compromised, the Complaints Person may, if considered appropriate in the circumstances, try to obtain and protect this information before taking any further action (i.e. saving and securely storing IT records and/or CCTV footage).

**Step 2: Advise the respondent about the report**

As soon as practicable after receiving all necessary information from the reporter and understanding the scope of the report, the Complaints Person will inform the respondent that it has received a report about their alleged conduct. The Complaints Person may provide the respondent with details of the allegations (where sufficient particulars are known), and if the Complaints Person considers it appropriate and necessary to do so, supporting information (where doing so will not breach privacy). Where possible in the circumstances, the allegations should be provided to the respondent verbally and in writing at the earliest opportunity.

When the Complaints Person informs the respondent that it has received a report or provides the respondent with the allegations, the Complaints Person may seek or provide further information that the Complaints Person considers relevant, including, for example, to:

provide or confirm that the respondent has received a copy of <Insert company name>’s Workplace Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation Policy and Complaint Handling and Investigation Procedure;

confirm that the respondent will be given the opportunity to respond to the allegations;

provide information about the process, potential outcomes and options for assistance/support;

explain that the process is confidential, what this means and why it is important;

explain what records of the report will be kept, for how long and where; and

explain that it is unacceptable to victimise someone who has made a report.

If it is considered appropriate or necessary to the investigation, <Insert company name> may suspend the respondent or direct them to remain away from the workplace and not be involved in <Insert company name>'s business.

Where <Insert company name> does not direct the parties to remain away from work, <Insert company name> may implement safeguards (see sections 4 and 5 above) to ensure that no further harm is caused to the reporter and/or person who experienced the alleged conduct.

 **Step 3: Provide the respondent with the opportunity to respond to the allegation(s)**

The respondent will be provided with an opportunity to respond to the allegation(s). This will occur as soon as practicable (normally within three (3) working days) after the respondent has been notified of the allegation(s).

The Complaints Person will document the information obtained from the respondent, if it is not provided in writing, and the respondent should be provided with at least 24 hours to review and confirm the accuracy of the information.

**Step 4: Interview any relevant witnesses**

If the Complaints Person considers it necessary or appropriate, they will interview any relevant witnesses to the alleged conduct. To maintain confidentiality, witnesses should only be advised of the nature of the investigation insofar as it relates to them providing evidence about the alleged conduct.

**Step 5: Clarify contradictory or new evidence**

If new or contradictory evidence comes to light that could affect the findings of the investigation, the Complaints Person will may provide the parties with the opportunity to clarify information.

If either the respondent or reporter disputes any of the new or contradictory evidence, the Complaints Person may:

seek further information from the respondent and/or reporter;

seek further statements/information from any witnesses; and

gather any other relevant evidence.

The Complaints Person may continue to seek additional information or clarification from the respondent, reporter or witnesses on any outstanding matters until they are satisfied that there is no additional evidence to be collected or no further clarification is required.

**Step 6: Assess the evidence and make a determination**

The Complaints Person will assess the information and evidence gathered and form an opinion about whether the allegations are factually proven, and whether the substantiated factual allegations constitute a breach of the worker’s obligations (e.g. under the policy, Code of Conduct or law). In respect of each allegation, the Complaints Person may find:

the allegation is substantiated;

the allegation is not substantiated; or

it is not possible to make a conclusive finding about whether discrimination, harassment, sexual harassment and/or bullying occurred.

The findings and the standard of proof in the investigation are based on ‘the balance of probabilities’ – which means it is more likely than not that the conduct occurred.

If the allegations are substantiated or the respondent confirms the alleged conduct occurred, the Complaints Person may recommend disciplinary action. Where this occurs, the Complaints Person should provide the respondent with the opportunity to comment on any proposed disciplinary action before a final decision is made.

If the Complaints Person identifies an area that could be improved to reduce or avoid such reports in the future, the Complaints Person may recommend that <Insert company name> consider implementing those improvements.

**Step 7: Notify the reporter and respondent of the outcome**

As soon as practicable (normally within one week of being notified of the Complaints Person’s findings and recommendation(s), the decision-maker will notify the reporter and the respondent of the outcome of the report. A copy of the decision will be placed on the respondent’s employment file.

### Variation to the timeframe

There may be occasions, when having regard to the complexity of the facts and the seriousness of the allegations, that the process takes longer or there is a departure from the process.

If the timeframes for the investigation are likely to differ greatly from those outlined above, <Insert company name> will endeavour to inform the reporter and the respondent of this in a timely manner. However, <Insert company name> will take reasonable steps to ensure that investigations are undertaken in a timely way.

### Work arrangements

When a report is lodged, <Insert company name> will determine whether the reporter, respondent and person who experienced the alleged conduct are able to continue to work together without risks to health and safety, and whether safeguards need to be implemented. For example, either the reporter, affected person or the respondent may be asked to take leave without loss of pay or be transferred to another part of the business or a different location, so that a fair and efficient investigation can occur. In the event that it is safe for the reporter, person affected and respondent to work together during the reports process, a representative of the organisation will work closely and actively amongst them to monitor their relationship and ensure that safety, wellbeing and respect are maintained.

The reporter and respondent have a responsibility to:

participate in the investigation process and the implementation of this policy in good faith;

co-operate fully in the investigation process and the implementation of this policy;

not make vexatious false, misleading, or malicious reports; and

maintain confidentiality as described above.

### Outcomes from the investigation

**Substantiated reports**

Where the report is substantiated, the decision-maker will make a decision on the appropriate action to take, based on the findings of an investigation.

Outcomes of a formal investigation can include (but are not limited to) any combination of the following:

counselling, coaching or mentoring;

formal written warning;

termination of employment (including without notice or pay in lieu of notice);

<insert company name> facilitating a meeting between the reporter and the respondent to attempt to resolve the matter by mediation;

developing a process for 'moving forward';

regular monitoring of behaviour;

further training and education;

a commitment by the respondent to change the behaviour or conduct that was the subject of the report;

a change in working arrangements; and

an apology.

The most appropriate outcome in each case will depend upon factors such as:

the severity and frequency of the conduct;

the weight of the evidence against the respondent;

the wishes of the reporter or person who experienced the conduct (however, this will not be determinative of the matter);

whether the respondent has been given any prior warnings for the same or similar conduct; and

training previously provided to the respondent, specifically related to the subject matter of the report.

<Insert company name> will aim to ensure that disciplinary action is consistent, fair and proportionate.

**Unsubstantiated reports**

Where allegations have not been admitted or substantiated, <Insert company name> may decide to take some action as a result of the report. For example, <Insert company name> may:

provide refresher training for workers regarding appropriate workplace behaviour; or

* re-issue the workplace discrimination, harassment, sexual harassment, bullying and victimisation policy, the code of conduct and other related policies to all workers.

## Dealing with reports that involve workers from another organisation

Workers should be encouraged to raise concerns or make reports about workers from other organisations while working at the same workplace.

<Insert relevant manager or Contact Person here> will explain the options available to deal with the report.

If <Insert relevant manager or Contact Person here> deems that the matter requires further action, <Insert company name> will raise the matter with an appropriate representative from the other organisation. <Insert company name> will work with the other organisation and determine an appropriate response to the deal with the report – either informally or formally, and consistent with the complaint handling policies and procedures of both organisations to the extent possible.

# False, misleading or malicious reports

<Insert company name> encourages workers to report genuine concerns about discrimination, harassment, sexual harassment, bullying, victimisation and vilification.

However, if a report is found to be false, misleading, or malicious, then <Insert company name> may take disciplinary action against the reporter up to dismissal. A person will not be sanctioned just because an investigation is inconclusive and the allegations cannot be substantiated. Disciplinary action will only be taken if <Insert company name> is satisfied that the report was malicious, false or misleading.

Examples of false, misleading, or malicious reports include, but are not limited to:

fabricating a report;

making a report for the malicious purpose of deliberately harming another person;

seeking to re-agitate issues that have already been addressed or determined; and

making a report that the reporter does not genuinely believe to be true.

# Additional information, support and advice

If you have a query about this procedure or would like to raise a concern or report, please contact [Guidance note (delete this later): list contacts] <Insert relevant person>.

# Related documents

All workers are required to read this procedure in conjunction with <Insert company name>’s other relevant policies, procedures, documents and agreements, including: [Guidance note (delete this later): list relevant policies and procedures

Workplace Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation Policy.

Code of conduct: workplace discrimination, harassment, sexual harassment, bullying and victimisation

Flexible work arrangements policy

Parental leave policy

Work health and safety policy

Discipline procedure

Mission, vision and values statements

Enterprise bargaining agreements and Awards [Guidance note (delete this later): list relevant agreements.]

* Service agreement [Guidance note (delete this later): any document that outlines the rights of clients and customers to complain about the service they are receiving.]

# Review details

This procedure was adopted by <Insert company name> on [insert date].

This procedure was last updated on [insert date].

| Policy number |  | Version | [1.0] |
| --- | --- | --- | --- |
| Drafted by |  | Approved by [Board] on | [insert] |
| Responsible person | [e.g. CEO] | Scheduled review date | 2 Years |