

## Policy Statement

SPC has a legal obligation to provide a workplace free of discrimination and harassment. Having an effective, formal grievance procedure to follow ensures misunderstandings as well as incidents of discrimination and harassment are correctly addressed. The grievance procedure also ensures that problems in the workplace are resolved effectively, which prevents them from escalating.

Employees should use common sense and a philosophy of general respect for others as a general premise for complying everyday with this policy.

The Company will treat all complaints seriously and professionally and manage any investigations required in a timely manner. The Grievance Procedure outlines how the Company will handle a complaint. All employees are encouraged to use it where necessary.

The Grievance Procedure will be updated from time to time as necessary by SPC management. The Procedure will apply to SPC Employees but is not incorporated into their contract of employment.

SPC retains the discretion to depart from the policy should the particular circumstances of the case warrant such an action.

## Scope

The Grievance Policy and Procedure relates to all full-time, part-time and casual employees of SPC as well as any contractors, temporaries or subcontractors working for or on behalf of either company or any associated companies ("SPC Associates").

Employees and Associates should note that separate to this Policy are grievance processes in awards and agreements that may apply. Where there is a conflict on which one to use you should consult Human Resources.

## Responsibilities

### All SPC Employees and Associates

It is the responsibility of all SPC Employees and Associates to respect the rights of others. This can be achieved by everyone:

- Understanding and complying with SPC's policies and the grievance handling procedure;
- Bringing to the attention of their manager something considered to be inappropriate, even though it may not directly affect that person;
- Using common sense and a philosophy of general respect for others as a general premise complying everyday with this policy

### People Leaders

People Leaders within SPC have a key role to play in terms of responsibility for this Policy by:

- Ensuring a personal understanding of the policy and its intent so that queries, concerns and complaints can be dealt with effectively
- Ensuring all reports are aware of and understand the policy and procedure and the responsibility they each have personally for its upkeep
- Advising their team that they will not tolerate any unfair, discriminatory or harassing behaviour from any team member
- Following up on any behaviour changes that could indicate discrimination or harassment is occurring, or that someone has a grievance
- Ensuring team members are aware of the grievance procedures
- Making sure that appropriate confidentiality is maintained
- Obtaining information or conducting an investigation about a grievance
- Determining how the grievance should be resolved and advising everyone involved
- Monitoring the outcome to ensure there are no further repercussions.

- Educate the team on policy content and intent.

## Human Resources Department

The Human Resources function within SPC is responsible for:

- Obtaining information about a grievance (this may also be completed by the manager to whom the grievance is reported)
- Ensuring a grievance is properly investigated
- Deciding how the grievance should be resolved and advising relevant people involved
- Determining disciplinary measures depending on the level of breach/problem that has occurred. These measures will be imposed in a fair and consistent manner across the organisation
- Considering if there is a need to use an external independent investigator or mediator to help everyone to readjust to working effectively together
- Monitoring the outcome of this process to ensure there are no further repercussions
- Education of management, employees and associates on policy content and intent.

## Definitions

A grievance is any type of problem, concern or complaint related to work or the work environment. A grievance can be about any act, behaviour, omission, situation or decision which someone thinks is unfair or unjustified. It can relate to almost any aspect of employment.

“Employee” is a term used to include all full-time, part-time and casual employees of the Company.

“Associate” is a term used to include contractors, temporaries and subcontractors working for or on behalf of either company or any associated companies.

## Procedures

### Resolution Procedures

In instances of a grievance, formal and informal procedures exist to effectively and equitably resolve the complaint. The use of one over the other depends on the complainant’s wishes, the gravity of the problem and whether the grievance involves potential legal liability.

Our Grievance Procedure involves the following steps:

**Step 1:** Try to resolve the issue directly with the person involved (where possible). Sometimes people do not intentionally set out to harass, hurt or offend others. The person who is raising the concern should try to tell the person who is acting in a hurtful or unsuitable way that his or her behaviour is not acceptable and is offensive so that they have an opportunity to stop or to change their conduct. Before doing this the employee may wish to seek guidance or coaching from Human Resources.

**Step 2:** If this is unsuccessful, or the person does not feel comfortable directly dealing with the person involved, they should go to their Team Leader or Manager. The Team Leader or Manager is responsible for their work area and can help to address problems at a local level. The Team Leader or Manager will evaluate if they are the right person to deal with the complaint. They may send the complaint to another Manager or to the Human Resources Manager, if they are concerned about the relationship with the person making the complaint or with the person who the complaint is about, or if they do not have the authority and/or ability to handle the particular complaint.

If the problem or grievance involves something that may be a serious breach of SPC’s policies and procedures, advice must be given to the complainant that they must alert the Human Resources Department.

There are some situations where it may not be appropriate for an employee to take their complaint to their Manager, for example, if the complaint is about or directly involves the Manager. In such a situation, the complaint should be referred to the relevant Human Resources Manager.

**Step 3:** The Team Leader or Manager handling the complaint will take the following steps where the complaint is to be addressed informally in the first instance:

- Explain the grievance handling procedure, including what may happen if there is enough evidence to support the complaint or what will happen if there is not enough evidence to support the complaint
- Advise where the complainant can go, both internally and externally for additional support
- Make a written record of the complaint
- Talk to the other person/people involved separately and impartially to hear their side of the story
- Ensure that all parties understand SPC's policy of protecting individuals who raise legitimate complaints.
- No assumptions will be made and no action will be taken until all relevant information has been collected and considered.
- Make sure that whatever is agreed/decided upon is activated
- Follow up, including periodical assessments of the effectiveness of the agreed strategies.

**Step 4:** Finalisation of the informal procedure. The informal procedure will be finalised with respect to a complaint when:

(a) The formal complaint investigation procedure is commenced with respect to the complaint (including because the Team Leader or Manager handling the complaint recommended that it proceed to formal complaint investigation procedure); or

(b) The person who made the complaint communicates to the Team Leader or Manager handling the complaint that:

- they are satisfied with the resolution of the complaint; or
- they wish to withdraw the complaint; or
- they do not wish to commence the formal complaint investigation procedure with respect to the complaint for any reason; or

(c) The Team Leader or Manager handling the complaint communicates to the person who made the complaint that:

- in their view, the complaint is not a legitimate complaint; or
- in their view, the complaint has been satisfactorily resolved.

NOTE – If the informal procedure is finalised under clause 5.3.1(c), this does not prevent the person who made the complaint from commencing the formal complaint investigation procedure with respect to the complaint.

## Formal Complain Investigation Procedure

All complaints that are taken to either a Manager or a member of the Human Resources Department will be treated confidentially. Although in some circumstances it would be necessary for SPC to act regardless.

Where a complainant elects to lodge a formal complaint (including a complaint of harassment) a formal investigation will be conducted. A formal process will also be commenced where informal resolution steps have not resolved the complaint, and the Team Leader or Manager handling the complaint or the complainant refers the complaint for formal complaint investigation. The Manager will ensure that the Human Resources Manager is involved in the formal process.

The investigation will be conducted by an appropriate person appointed by SPC. This may include a representative from Human Resources, Security or an independent external appointee as appropriate in the circumstances.

Where an investigation is conducted, the person conducting the investigation will refer their findings to the Human Resources Manager. The Human Resources Manager will then decide how the formal complaint procedure will be resolved and finalised, and any action to be taken as a result of the complaint and investigation procedure.

The formal complaint investigation process may lead to the disciplinary procedures being commenced.

Confidentiality is a key component of this procedure. All parties involved in making, investigating or responding to a complaint will be advised of their obligations in respect of confidentiality. A breach of confidentiality may lead to disciplinary action being taken.

No action will be taken against anyone for making a legitimate complaint or helping someone to make a legitimate complaint. Management will take all reasonable steps to ensure that no victimisation occurs against anyone who makes a legitimate complaint.

## Resolving the Grievance

The formal complaint investigation procedure will be finalised with respect to a complaint when:

- (a) The Human Resources Manager (or his or her delegate) communicates to the person who made the complaint in writing that the formal complaint investigation procedure has been finalised (including because the Human Resources Manager or his or her delegate has determined that the complaint cannot be substantiated); or
- (b) The Human Resources Manager determines that one or more actions are taken to finalise the formal complaint investigation process, and the action or actions are completed; or
- (c) The person who made the complaint communicates to the Human Resources Manager (or his or her delegate) in writing that:
  - they are satisfied with the resolution of the complaint; or
  - they wish to withdraw the complaint.

In determining any actions that should be taken as a result of the formal complaint investigation procedure, the Human Resources Manager may determine that the following outcomes are appropriate (although the actions that the Human Resource Manager may decide should be taken will not be limited to the actions in this clause):

- (a) If the complaint is substantiated, a number of actions may be taken, ranging from an apology, counselling and training, to an official warning or termination;
- (b) If the complaint is frivolous, a number of actions may be taken ranging from counselling for the person who made the complaint, to an apology to the individual/s wrongly accused or an official warning;
- (c) If the complaint cannot be substantiated, but is not deemed to be frivolous or unwarranted, alternatives means of resolving the complaint will be explored with the parties. This may involve mediation or other intervention to assist the parties to resolve the issue.

## Remaining Anonymous

In most instances, SPC cannot effectively resolve a grievance if the person making the complaint wants to remain anonymous. We need to be fair to both sides. This means that the person complained about must be told the full details of the grievance, including who has the grievance, so they have a fair chance to respond to all the allegations.

## Time Frame For Resolution

SPC will aim for a timely resolution in each case. All steps will be taken as soon as practically possible. However, specific time frames cannot be stipulated due to the complexity of some cases, absence of people on leave and other extenuating circumstances.

## Appeals

The complainant can ask their Human Resources Manager to review a decision if they feel the process has not been followed properly.

The reviewing Manager will look at the way that complaint was handled. If they think it was handled equitably and appropriately, they will not take further action. If they think it was not handled properly, they will organise for the complaint to be looked at again.

The review will be carried out by someone other than the person who first handled the complaint. If the Human Resources Manager was involved in the original process, a more senior Manager from Human Resources will conduct the review.

## Record Keeping / Confidentiality

Anyone wishing to lodge a formal complaint needs to do so in writing. The complaint will be kept in a "Grievance File" which will be located and stored in the Human Resources Department. Access to the "Grievance File" will only be granted to members of the Human Resources Department, and only when necessary. The complainant will have access to their initial complaint and the outcomes kept in the "Grievance File". No records will be kept on any individual's personnel file regardless of the outcome.

Approved by Neil Brimacombe



Chief Executive Officer  
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