



Australian
Human Rights
Commission

Reporting, Complaints and Resolution Policy and Procedure

December 2023

Interim policy

ABN 47 996 232 602
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
National Info Service 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

Contents

Part A: Introduction	3
1 Purpose and scope	3
2 Definitions	5
3 Guiding principles	6
Part B: Reporting, complaints and resolution process	8
5 How to raise a concern, or make a report or complaint	8
6 Early intervention	10
7 Informal reporting and complaint process	11
8 Formal complaint process	12
9 External reporting	16
10 Outcomes from the process	17
11 Support for Commission Officials	21
12 Vexatious complaints	21
Part C: Further information	22
13 Records, confidentiality and privacy	22
14 Contacts	23
15 Review	23
16 References	24

Part A: Introduction

1 Purpose and scope

- 1.1 The Commission is a workplace that values the contributions of each and every one of its employees and workers. Our aim is to develop and maintain an engaged and resilient workplace where everyone feels respected and valued. Each employee, worker and any third party engaging with the Commission is empowered to raise issues and be confident that the Commission will deal with those issues in a fair and reasonable manner.
- 1.2 The purpose of this Policy is to outline the process by which a Commission Official can raise concerns, make a report or lodge a complaint regarding conduct including discrimination, harassment, sexual harassment, bullying, victimisation, or any workplace related conduct. This conduct is referred to in this Policy as ‘inappropriate workplace related behaviour’.
- 1.3 Reports and complaints can be made by a person who has experienced inappropriate workplace related behaviour or witnessed such behaviour and seeks to report it. Reports and complaints can relate to behaviour carried out by Commission Officials as well as third parties either carrying out work for the Commission, working with the Commission as partners or sponsors, or accessing Commission services.
- 1.4 Anyone who has experienced or witnessed inappropriate workplace related behaviour is encouraged to use this policy and procedure to raise their concerns early. There will be options for resolution pathways, including early intervention, informal and formal resolution; and reporting a concern will not automatically trigger a formal complaint process.
- 1.5 This Policy will deal with reports and complaints made by an Official about any inappropriate workplace related behaviour, including, but not limited to behaviour that may breach:

- (a) the [Workplace Bullying: Understanding and preventing workplace bullying policy](#)
 - (b) the [Respectful Behaviour and Unlawful Conduct Policy](#)
 - (c) the [Maintaining a workplace that is free from harassment: Harassment prevention policy](#)
 - (d) the [APS Values, Employment Principles](#) and [Code of Conduct](#)
 - (e) the [Age Discrimination Act 2004](#) (Cth), [Disability Discrimination Act 1992](#) (Cth), [Racial Discrimination Act 1975](#) (Cth) and [Sex Discrimination Act 1984](#) (Cth)
 - (f) any other policies, guides or directions given, related to conduct and behaviour by Commission Officials.
- 1.6 This Policy applies alongside the [Breaches of the Code of Conduct procedures](#). Any determination as to whether an APS employee has breached the APS Code of Conduct and the appropriate sanction to be imposed will be determined in accordance with the [Breaches of the Code of Conduct procedures](#).
- 1.7 If the person reporting an issue suspects the inappropriate workplace related behaviour may involve a corruption issue, they can also make an internal referral in accordance with the procedure set out in the [National Anti-Corruption Commission Policy and Procedure](#).
- 1.8 A Commission Official who wishes to make a Public Interest Disclosure should do so in accordance with the procedures set out in the [Public Interest Disclosure Policy](#).
- 1.9 This Policy is also prepared under Standard 6 of the [Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 \(Cth\)](#).
- 1.10 This Policy applies to all Commission Officials.

2 Definitions

2.1 The definitions in this section apply to all capitalised words in this document.

Commission means the Australian Human Rights Commission.

Commission Official or Official means the following persons collectively:

- (a) the Commission's statutory officeholders (President and Commissioners)
- (b) Commission employees, including ongoing and non-ongoing employees, and including the Chief Executive and other Senior Executive Service employees
- (c) persons seconded from other government organisations to do work for the Commission, and
- (d) for the purpose of this Policy, any other person doing work for the Commission, including contract workers, commission agents, interns, volunteers, consultants, or secondees from private business.

Complainant means the person raising concerns or making the report or complaint and can include witnesses who wish to report inappropriate workplace related behaviour.

Complaint Officer means the person managing the report or complaint, which includes investigating the complaint, making factual findings, and making recommendations to the Chief Executive who will decide the complaint. The Complaint Officer will either be the Director, People & Culture, a nominated Senior Manager or an external party appointed by the Commission.

Contact Person means the person to whom a person first raised concerns or made a report or complaint.

Policy Owner means the Director, People & Culture.

Policy Review Date means the date identified in clause 15 below, being the date by which a review of this Policy must commence.

Procedure means a direction to staff on how to do something, usually in order to meet statutory or policy requirements or objectives.

Respondent means the person whose behaviour has been reported under this Policy.

Senior Manager means the senior management group as defined in the Commission's [Accountable Authority Instructions and Authorisations – Part 1 Introduction](#).

3 Guiding principles

3.1 The complaint process will be guided by the following principles:

Accessibility, clarity and simplicity – The complaint process is easy to access and understand, and everyone is able to participate equally. Barriers to meaningful participation are considered and appropriate adjustments are made. For example, an employee may require a language interpreter to understand and participate or a person with a disability may need information provided in a specific format. Responsibilities and actions are clear.

Timeliness – There is a commitment to timely resolution and the process is conducted without undue delay. As time passes, information relevant to the complaint may deteriorate or be lost, which will impact on the fairness of the process.

Transparency – Information about the complaints, reporting, and response processes, including how decisions are made, is easily accessible and understandable. The process and possible outcomes are clearly explained to affected people at the outset; they are kept up to date about progress; and are informed of outcomes.

Fairness – Processes are fair for all parties, with all parties invited to participate, and the person dealing with the report or complaint is impartial. All parties should have the opportunity to present their version of events, provide supporting information and respond to any potential negative decisions.

Person-centred and trauma-informed – The complaint process should have a person-centred and trauma-informed approach so that the safety,

privacy and wellbeing of the complainant is prioritised, the complainant is provided the opportunity to be heard in a compassionate, non-judgmental and sensitive manner, and the complaint process is designed to minimise harm. Being person-centred and trauma-informed does not always mean doing what a person requests, but it does mean genuinely considering their wishes and the impact that decisions may have on them.

Confidentiality – Information about a complaint is only provided to those people who need to know about it in order for the complaint to be actioned properly, or as set out in Part 13 below.

3.2 The complaint process will also:

- (a) include principles of procedural fairness and natural justice
- (b) provide multiple reporting pathways (both internal and external) and resolution options, allow early intervention and afford the person affected by the conduct a choice in the process
- (c) seek to protect impacted people from being victimised because they have made a complaint
- (d) provide appropriate outcomes and consequences so as to ensure accountability, consistency and proportionality, and to build trust in the reporting process
- (e) seek to protect workers from vexatious and malicious complaints
- (f) ensure appropriate confidential records are kept about complaints and that this information is stored and managed appropriately.

Part B: Reporting, complaints and resolution process

5 How to raise a concern, or make a report or complaint

- 5.1 A person can choose to raise a concern or make a report or complaint through a number of pathways with a range of options for resolution. Their concern or report can be made by telephone, email, mail or in person to the preferred Contact Person, by email to the People & Culture team or via an [anonymous online reporting process](#).
- 5.2 A person can raise their concern or make a report or complaint to different people depending on the circumstances. The person to whom the report or complaint is made is called the Contact Person.
- 5.3 The Contact Person in the first instance is usually the complainant's manager. If the complainant does not feel comfortable raising their concerns with their manager (for any reason, including because their concern relates to their manager), the complainant can choose an alternative Contact Person. Reports and complaints can be made to the following people:
- (a) your manager
 - (b) your manager once removed
 - (c) a Wellbeing & Respect Officer
 - (d) the Director, People & Culture
 - (e) the Senior Executive, Investigation and Conciliation Service
 - (f) Chief Operating Officer

- 5.4 A person is not making a formal complaint simply by raising their concern with or making a report or complaint to the Contact Person. By raising concerns early, there is the opportunity for early intervention and informal resolution, with the complainant's wishes in this respect being a priority.
- 5.5 Reports and complaints made will be forwarded by the Contact Person to the Director, People & Culture, who will record the complaint and take the lead on managing the process as the Complaint Officer. In some circumstances, the Commission may nominate an external party (Consultant) or a Senior Manager to be the Complaint Officer.
- 5.6 If a complaint is treated formally, the Complaint Officer will not make the final decision on the outcome of the complaint but will make findings as to the facts and recommendations to the Chief Executive who will decide the complaint.
- 5.7 If the complainant wishes to remain anonymous, they can choose a person to be their nominated representative (nominee) to make the report for them or use the [anonymous online reporting process](#). However, for anonymous reports, the Complaint Officer cannot seek more information about the report, keep the complainant updated on the progress of the report, or notify the complainant of the outcome of any investigation. Anonymous reporting can also raise issues of procedural fairness for the respondent.
- 5.8 Once notified of a report or complaint, the Complaint Officer will acknowledge the report or complaint by contacting the complainant to confirm receipt of the report or complaint. This will be done as soon as possible and within 3 business days of receiving the complaint.
- 5.9 The Complaint Officer may also consider whether there is a need to change existing work practices during the resolution process in order to best support the parties to the report or complaint, such as temporarily amending work duties or reporting lines.

- 5.10 If a report is lodged by a bystander as a witness to inappropriate workplace related behaviour, the Complaint Officer will engage with the bystander (and any other relevant person, such as an alleged victim) to decide whether to commence a resolution process (whether informal or formal). The wishes of any alleged victim of the behaviour will be prioritised. In the event the Complaint Officer decides not to proceed with a resolution process and/or the witnessed inappropriate workplace related behaviour is not investigated, the Commission can still take appropriate actions such as those set out in paragraphs 10.4 – 10.6 below.
- 5.11 Resolution options available for reports and complaints include:
- (a) early intervention
 - (b) informal resolution
 - (c) formal resolution
 - (d) external reporting.

6 Early intervention

- 6.1 Early intervention can occur to defuse a situation or prevent an incident once a risk has been identified. For example, if a person who experienced or witnessed inappropriate workplace related behaviour considers it appropriate, they can seek to self-manage the situation. This can be empowering, reduce the time taken for resolution and minimise the impact for all concerned.
- 6.2 A person who experienced or witnessed inappropriate workplace behaviour can seek to self-manage the situation in the following ways:
- (a) by approaching the person who has engaged in inappropriate workplace related behaviour directly to discuss their concern if they feel confident and safe to do so

- (b) by seeking advice, guidance or support to assist them in resolving the situation themselves from their manager; People & Culture; General Counsel; a Health & Safety Representative; a Wellbeing & Respect Officer; a workplace (union) representative or any knowledgeable or experienced colleague
- (c) by seeking support through the Commission's EAP.

6.3 A person who witnessed inappropriate workplace related behaviour can also reach out to the victim of the behaviour to offer support, an opportunity to debrief and to assess their wellbeing.

7 Informal reporting and complaint process

7.1 Once a report or complaint is made, the Complaint Officer will decide whether an informal resolution to the report or complaint is most appropriate in all the circumstances. The wishes of the person who experienced inappropriate workplace related behaviour will be prioritised in deciding whether a complaint can be managed informally.

7.2 Informal resolution may be appropriate when:

- (a) the complainant indicates a desire to discuss the matter with the respondent informally and there is nothing on the facts to suggest this would be inappropriate
- (b) the information on hand supports a view that the complaint has arisen from a misunderstanding or miscommunication
- (c) the behaviour being complained about is not serious conduct.

7.3 Informal resolution generally does not involve an investigation into the merits of the complaint and is focused on resolution and opportunities for the respondent to cease the behaviour and for all parties to be able to work in a respectful and amicable manner.

7.4 Informal resolution may involve:

- (a) giving the complainant the opportunity to talk about their concerns and listening to their concerns

- (b) a direct private discussion between the complainant and the respondent
- (c) the respondent's manager addressing the respondent directly to discuss the reported behaviour and remind them of the Commission's policies on workplace related behaviour
- (d) an impartial third person conveying information between those involved
- (e) an impartial third person helping those involved to talk to each other and find a solution

7.5 The impartial third person could be a People & Culture staff member, a Health & Safety representative or a Wellbeing & Respect Officer. In some situations, the impartial third person may need to be someone external to the organisation, such as a professional mediator.

7.6 When a report or complaint is resolved informally, the Complaint Officer should still consider the following:

- (a) offering both the complainant and the respondent support through support mechanisms such as the Employee Assistance Program (EAP)
- (b) providing refresher training for all staff regarding appropriate workplace behaviour
- (c) re-issuing the Commission's workplace related policies to all employees.

8 Formal complaint process

8.1 If a Complaint Officer (taking into consideration the preferences of the complainant) decides that an informal resolution may not be appropriate, the procedures set out in this section will be followed.

- 8.2 Formal pathways involve handling a matter using processes, such as a formal investigation, and the making of findings to determine what did and did not occur. Investigations may be conducted internally, or an independent workplace investigator may be engaged to investigate the matter. In either case, once the investigation is finalised and factual findings have been made, appropriate and proportionate outcomes will be applied. These may include disciplinary actions as well as outcomes designed to address behavioural and ensure systemic change.
- 8.3 The Complaint Officer will notify the Chief Executive that a complaint has been received, that it will be treated formally, and will provide an initial assessment of the approach to be adopted to manage the complaint.

Obtain information from the complainant

- 8.4 In addition to acknowledging a complaint, the Complaint Officer will:
- (a) provide information about the complaint process, approximate timeframes, a discussion around potential outcomes based on the type of complaint, options available for assistance/support and protections from victimisation
 - (b) ensure the allegations are documented, either by the complainant or the Complaint Officer
 - (c) explain that the process is confidential, what this means and why it is important for each party to the process to ensure compliance
 - (d) explain what records of the complaint will be kept, for how long and where
 - (e) explain the action that may be taken if the complaint is found to be vexatious or malicious
 - (f) ask the complainant to provide relevant documents or details of witnesses that may support the allegations.
- 8.5 The complainant may choose to have a union official, support person, advocate or other representative accompany them to any interviews or meetings scheduled as part of their complaint.

- 8.6 The Complaint Officer will conduct this aspect of the complaint resolution in a way that prioritises the health, safety and wellbeing of the complainant and reduces the risk of re-traumatising the complainant or causing them further harm. This can be done by:
- (a) supporting as far as possible the complainant's choice and control over the process
 - (b) minimising the need for the complainant to tell their experiences multiple times and to multiple people
 - (c) allowing the complainant to stop or withdraw from the complaints process at any time
 - (d) providing regular updates
- 8.7 In order to prioritise the health, safety and wellbeing of the complainant, the Complaint Officer will support the complainant's choice so far as possible as to how they provide the information/evidence requested.
- 8.8 Where there is a concern about supporting information being destroyed or compromised, the Complaint Officer will try to obtain this information before taking any further action.

Advise the respondent about the complaint

- 8.9 The Complaint Officer will:
- (a) advise the respondent that a complaint has been made against them and provide as much information as possible about the allegations and supporting information (where applicable)
 - (b) confirm that they will be given the opportunity to respond to the allegations in writing or through an interview
 - (c) provide information about the complaint process, approximate timeframes, potential outcomes and options for assistance/support
 - (d) explain that the process is confidential, what this means and why it is important for each party to the process to ensure compliance

- (e) explain what records of the complaint will be kept, for how long and where
- (f) explain that it is unacceptable to victimise someone who has made a complaint.

8.10 The respondent may choose to have a union official, support person, advocate or other representative accompany them to any interviews or meetings scheduled as part of the complaint.

Assess the information

8.11 The Complaint Officer can request additional resources (either internal or external) to assist with the assessment and/or investigation of a complaint if required.

8.12 The Complaint Officer will also determine whether further information or evidence is necessary to make a decision about the complaint. This will generally be required when there is a disagreement about the alleged workplace related behaviour, and/or the complaint contains very serious allegations.

8.13 Examples of the types of information or evidence that may be relevant for consideration are:

- (a) supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker
- (b) supervisor reports and personnel records (e.g. unexplained requests for transfer or other changes, sudden increase in sick leave)
- (c) complaints or information provided by other employees about the behaviour of the respondent
- (d) records kept by the complainant.

8.14 The Complaint Officer will consider the following in relation to evidence provided:

- (a) whether the evidence provided was presented by the parties in a credible and consistent manner
 - (b) the impact of trauma on a person's memory and ability to tell their experiences
 - (c) the diverse factors making up a person's identity including age, cultural background, ethnic background, First Nations background, sex/gender, disability and migration status
 - (d) whether there is an absence of evidence where it would logically exist.
- 8.15 If appropriate, the Complaint Officer may provide the complainant with the information provided by the respondent and give the complainant the opportunity to comment on that information and provide any further information to support their allegations before a final decision is made.
- 8.16 The Complaint Officer will make their factual findings based on whether they are satisfied that it is 'more probable than not' that what is alleged to have happened did happen.

9 External reporting

External support

- 9.1 Complaints of discrimination and harassment can also be lodged through the Commission's [complaint process](#), with relevant state and territory anti-discrimination bodies, the Fair Work Commission, or the Fair Work Ombudsman.
- 9.2 Commission Officials may also wish to contact their union for representation and support.
- 9.3 Commission Officials may choose one of the above external reporting options without first attempting internal resolution of their complaint. Alternatively, they may seek an external reporting option following the conclusion of an internal process if they are dissatisfied with the outcome of their internal complaint.

- 9.4 If the behaviour complained about appears to be a criminal offence, the complainant or the Commission may report the matter to the police.

Merit Protection Commissioner

- 9.5 Officials who are APS employees (other than SES employees) who are dissatisfied with the resolution of their complaint can apply to the Merit Protection Commissioner, in accordance with the [Review of Actions scheme](#) set out in the *Public Service Act 1999* and *Public Service Regulations 2023*.

10 Outcomes from the process

- 10.1 Once the Complaint Officer has investigated a complaint through the formal complaint process and made factual findings in relation to the complaint, they must make recommendations to the Chief Executive as to the appropriate outcomes for the complaint. In doing so, the Complaint Officer may consider the following:
- (a) the severity and frequency of the inappropriate workplace related behaviour
 - (b) the weight of the evidence
 - (c) the wishes of the complainant and what redress they seek
 - (d) whether the respondent could have been expected to know that such behaviour was a breach of policy
 - (e) whether there have been any prior incidents or warnings
 - (f) whether there are any systemic issues to be addressed
 - (g) whether the Commission has the authority/ delegated power to impose an outcome on the respondent (e.g. where the respondent is a third party).

Outcomes for the respondent where the allegations are substantiated

- 10.2 If the Complaint Officer determines that the complaint is substantiated (either because the behaviour has been admitted or can be substantiated on the available information), the Complaint Officer may make recommendations to the Chief Executive to impose appropriate outcomes on the respondent, including:
- (a) disciplinary counselling
 - (b) an official warning
 - (c) a requirement to attend discrimination, harassment, appropriate workplace behaviour or other relevant training
 - (d) a requirement to provide a formal apology to the complainant, and any other staff affected by the conduct
 - (e) ongoing increased supervision or monitoring
 - (f) disciplinary action (e.g. demotion, transfer, suspension, probation or dismissal)
 - (g) participation in mediation or facilitated discussion to restore relationships in the workplace
 - (h) conditions on the respondent's engagement and/or interaction with the complainant and/or the Commission.
- 10.3 Some of the outcomes listed above may also be agreed upon between the parties in situations where the report or complaint is resolved informally.
- 10.4 Prior to a final decision about the possible outcomes being made by the Chief Executive, the Complaint Officer should, unless they consider it inappropriate, inform the respondent of the proposed outcomes and provide them with an opportunity to comment.

Outcome where the allegations are not substantiated, the report is anonymous, or the complainant is a bystander

- 10.5 If there is insufficient evidence for the Complaint Officer to determine that the report or complaint is substantiated, the Complaint Officer may still recommend to the Chief Executive that action be taken as a result of the complaint, including:
- (a) provide refresher training for all staff regarding appropriate workplace behaviour
 - (b) undertake a 360 review, team/workplace review to determine factors contributing the reported behaviour
 - (c) re-issue the relevant workplace related policies to all employees
 - (d) monitor the situation carefully.
- 10.6 If the complainant is anonymous and it is not possible to substantiate the allegations, the Commission may, in addition to the action listed above, also consider the following:
- (a) in a case of receiving numerous anonymous reports against the same person, instigate an independent investigation observing all necessary standards and procedural fairness
 - (b) initiate a 360 review, team/workplace review in an area where anonymous reports suggest there may be concerns that merit a review
 - (c) speak with other members of the alleged respondent's team to identify if there is a cultural issue or pattern of conduct
 - (d) conduct a pulse survey to test concerns.
- 10.7 The Commission may also consider the above actions in situations where the complainant is a bystander who is reporting behaviour they have witnessed, and the alleged victim does not wish to proceed with a complaint.

Outcomes for the complainant

- 10.8 Regardless of whether the allegations of the report or complaint are substantiated or unsubstantiated, the Complaint Officer will consider recommending appropriate outcomes for the complainant in accordance with a person-centred and trauma-informed approach.
- 10.9 Possible outcomes for the complainant include:
- (a) supportive counselling
 - (b) a change in the work environment, a change in work teams or location
 - (c) participation in mediation or facilitated discussion to restore relationships in the workplace.
- 10.10 The complainant and the respondent will be provided with information about the outcome of a report or complaint. However, the level of detail provided will be balanced against the need to respect the privacy of all parties involved in the management of the complaint.

Other general outcomes

- 10.11 In some circumstances, such as when the Commission does not have jurisdiction or competency to impose a consequence on the respondent, it may still be appropriate for the Commission to take action to reduce the likelihood of a similar situation occurring in future. Such action may include:
- (a) restricting or placing conditions on a third party's engagement and/or interaction with the complainant and/or Commission Officials
 - (b) putting up posters in the workplace, including information on the Commission website and in Commission publications (such as factsheets and guidelines) stating that inappropriate behaviour is unacceptable and that all engagements with Commission staff must be done in a respectful manner

- (c) making safe working environments a contract term of external engagement
- (d) preventing public access to work areas.

11 Support for Commission Officials

Internal support

- 11.1 All Commission Officials (their immediate family and anyone living in their household) have access to the EAP, which provides for a limited number of counselling sessions at no cost to the employee and can be provided over the phone or face-to-face.
- 11.2 The EAP provider is Converge International. See the Commission's [Employee Assistance Program Policy](#) for further information.

External support

- 11.3 Anyone affected by inappropriate workplace related behaviour and/or a reporting and complaints resolution process can seek support from external counselling and support services. National, state-based and online service providers are listed in the Commission's [Positive Duty Factsheet: Seeking Support – Counselling and Support Services](#).

12 Vexatious complaints

- 12.1 If a report or complaint is found to be unsubstantiated, no further action will be taken unless it is found that the report or complaint was made vexatiously or was knowingly false, in which case disciplinary action may be taken against the complainant.

Part C: Further information

13 Records, confidentiality and privacy

- 13.1 The Commission will treat reports and complaints confidentially, including the identities of the person impacted, the person alleged to have engaged in inappropriate workplace related behaviour, any witnesses, and any other participants in the investigation process. However, it may be necessary for some information to be disclosed, as set out in paragraph 13.3 below.
- 13.2 Records of reports and complaints of inappropriate workplace related behaviour, including how the report or complaint is addressed, correspondence, file notes, investigation documents, any report produced, and any evidence collected, will also be kept confidential and not disclosed, except as set out in paragraph 13.3 below.
- 13.3 The Commission may disclose information and records related to a report in the following circumstances:
- (a) to ensure that the Commission complies with its statutory obligations, including the positive duty, and avoids vicarious liability
 - (b) as is required to properly respond to, investigate and resolve the matter. For example, it may be necessary to disclose certain information to the parties to properly address or resolve a complaint of inappropriate workplace related behaviour
 - (c) where there is reason to believe that a person is a risk to themselves or others, and in the case of reportable conduct (for example, child protection or serious indictable offences), the Commission may need to notify appropriate authorities
 - (d) where disclosure of the information is required by law.
- 13.4 Confidentiality while a reporting and complaints process is ongoing is necessary to ensure that the process can be fairly carried out. Officials involved in the investigation are also expected to keep details of the allegation confidential until the investigation is concluded, however this

should not prevent individuals from seeking support, such as engaging with the Commission's EAP program or bringing a support person to meetings. People affected by inappropriate workplace related behaviour are not prohibited from speaking about their experiences at the conclusion of a report or complaint. It will be a matter for the individuals involved to judge those risks. Where appropriate, the Commission will consider the Respect@Work Council's [Guidelines on the Use of Confidentiality Clauses in the Resolution of Workplace Sexual Harassment Complaints](#).

- 13.5 Records of reports and complaints will be maintained in accordance with applicable legislation, including under the *Archives Act 1983* (Cath), the *Privacy Act 1988* (Cath), and the Commission's [Privacy Policy](#).
- 13.6 De-identified data and information may be collected and reported to Senior Managers and Commission Members to ensure that any systemic issues are identified and addressed. De-identified data and information may also be shared within the Commission as part of the Commission's commitment to transparency.

14 Contacts

- 14.1 The Director, People & Culture is the policy owner of this document.
- 14.2 People & Culture team – Email: humanresources@humanrights.gov.au
- 14.3 Employee Assistance Program – Converge International – Tel: 1300 687 327 – Email: eap@convergeintl.com.au.

15 Review

- 15.1 This interim policy is to be reviewed and finalised within 6 months. The Commission intends to consult with Officials on the content of this Policy as part of its review.
- 15.2 The next Policy Review Date for this policy is 12 months after the finalisation of the Interim Policy.

16 References

Commission Policies, Procedures and Guidelines

[Accountable Authority Instructions and Authorisations](#)

[Breaches to the Code of Conduct procedures](#)

[Enterprise Agreement](#)

[Employee Assistance Program Policy](#)

[Maintaining a workplace that is free from harassment: Harassment prevention policy](#)

[National Anti-Corruption Commission Policy and Procedure](#)

[Privacy Policy](#)

[Public Interest Disclosure Policy](#)

Respectful Behaviour and Unlawful Conduct Policy

[Workplace Bullying: Understanding and prevent workplace bullying policy](#)

Commonwealth Resources, Legislation, External Resources

[APS Values](#), [Employment Principles](#) and [Code of Conduct](#)

[Age Discrimination Act 2004](#)

[Australian Human Rights Commission Act 1986](#)

[Disability Discrimination Act 1992](#)

[Merit Protection Commissioner](#)

[Positive Duty Factsheet: Seeking Support – Counselling and Support Services](#)

[Public Interest Disclosure Act 2013](#)

[Public Service Act 1999](#)

[Public Service Regulations 2023](#)

[Racial Discrimination Act 1975](#)

Respect@Work Council's [Guidelines on the Use of Confidentiality Clauses in the Resolution of Workplace Sexual Harassment Complaints](#)

[Sex Discrimination Act 1984](#)

Internal Consultation on Interim Policies

Respectful Behaviour and Unlawful Conduct Policy and Reporting, Complaints and Resolution Policy and Procedure

November 2024



Australian
Human Rights
Commission

History and Consultation Process

- ▶ Interim policies released in December 2023
- ▶ Consultation:
 - ▶ Facilitated online sessions
 - ▶ Anonymous Survey
 - ▶ Email: policyconsultation@humanrights.gov.au
- ▶ Closes **21 November 2024**

Respectful Behaviour and Unlawful Conduct Policy

▶ Part A: Introduction

- ▶ Purpose: Implementation of the Positive Duty
- ▶ Scope: Conduct in any way connected to work

▶ Part B: Unlawful conduct and the positive duty

- ▶ Key concepts, contributing attitudes and examples:
 - Positive duty
 - Sex discrimination – direct and indirect
 - Sexual harassment
 - Sex-based harassment
 - Conduct creating a workplace that is hostile on the ground of sex
 - Victimisation

▶ Part C: Risk factors

- Known drivers and risk factors

Respectful Behaviour and Unlawful Conduct Policy

▶ Part D: Preventing and eliminating unlawful conduct

- Behavioural expectations
- Leadership
- Culture
- Knowledge and education
- Risk management
- Wellbeing & Respect Officers

▶ Part E: Responding to 'Relevant Unlawful Conduct'

- Reporting
- Consequences
- Support
- Monitoring, evaluation and transparency
- Records, confidentiality and privacy

Reporting, Complaints and Resolution Policy and Procedure

▶ Purpose

- To outline the process by which a Commission Official can raise concerns, make a report or lodge a complaint regarding inappropriate workplace related behaviour.
- To develop and maintain an engaged and resilient workplace where everyone feels respected and valued.
- To empower people to raise issues and be confident that the Commission will deal with them in a fair and reasonable manner.

▶ Guiding principles

- Accessibility, clarity and simplicity
- Timeliness
- Transparency
- Fairness
- Person-centred and trauma-informed
- Confidentiality

Reporting, Complaints and Resolution Policy and Procedure

- ▶ Reporting, complaints and resolution process
 - How to raise a concern, or make a report or complaint
 - Early intervention – self-management
 - Informal reporting and complaint process
 - Formal complaint process
 - External reporting
 - Outcomes
 - Support
 - Vexatious complaints
- Records, confidentiality and privacy

Questions and Discussion

Feedback before **21 November 2024**

- ▶ Anonymous Survey
- ▶ Email: policyconsultation@humanrights.gov.au

