

Complaints Procedure – EEO Policy

Purpose

The purpose of this document is to outline the procedure by which Workers should address concerns about behaviour the subject of the Equal Employment Opportunity, Harassment and Bullying Policy (EEO Policy) and to set out how HIE may address any issues reported to it which are the subject of that EEO Policy (EEO complaints).

Scope

This procedure applies to all workers (including employees, contractors, volunteers, apprentices and work experience students) employed or engaged by Hamilton Island Enterprises Limited, Hamilton Island Shared Services Pty Ltd or another subsidiary or related entity (**HIE**).

Definitions

For the purposes of this Procedure, the following terms have the following meanings:

Hamilton Island	Anything related to or associated with the operation of Hamilton Island Resort including but not limited to its accommodation, activities, events, guests, visitors, residents, employees and the owners.
HIE	Hamilton Island Enterprises Limited, Hamilton Island Shared Services Pty Ltd and all other subsidiaries and related entities.
Worker	Employees, contractors, volunteers, apprentices and work experience students employed or engaged by Hamilton Island Enterprises Limited, Hamilton Island Shared Services Pty Ltd, or any other subsidiary or related entity.

Procedure

How to address the issue

If a Worker feels comfortable doing so, they may address the issue with the person concerned. They should identify the behaviour in issue, explain that the behaviour is unwelcome and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or, for example, caused offence.

This is not a compulsory step. If a Worker does not feel comfortable addressing the issue with the person, or they do and the behaviour continues, they should report the issue to a Contact Person.

Reporting the issue

Workers should report the issue to a HIE Contact Person. Each of the members of the Human Resources Team and the Legal team are a Contact Person. Their details are set out below:

Nicole Walter, General Manager – People
 Erin Wilkinson, HR Business Partner
 Jenny Mildner, HR Business Partner
 Sarah Stegeman, HR Business Partner
 Amber Jones, HR Business Partner
 Michelle White, General Counsel
 Jessica Patrick, Legal Counsel

Usually, the following will occur:

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Discuss	The Contact Person will discuss the complaint with the Worker who raised it. They will explain the relevant steps that can be taken to address the complaint. The Contact Person will generally need to meet with the Worker to discuss the complaint, and the Worker can take a support person to the meeting if they want to.
Determine complaint process	The Contact Person will then determine the best way to deal with the complaint. There are two types of complaint procedures that can be used: informal and formal. The type of complaint procedure used will depend on the individual circumstances. In deciding on the best course of action, the Contact Person will consider the nature of the complaint and any other relevant factors, including any preference the Worker making the complaint may have with regards to its management.

What will the Contact Person do?

Given the nature of EEO complaints, and the need to maintain flexibility to resolve complaints, the action taken by HIE will depend on the particular circumstances.

Confidentiality

The Contact Person will maintain confidentiality as far as possible. However, it may be necessary to speak with others, such as other Workers, in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint.

All Workers involved in the complaint must also maintain confidentiality, including the person who lodges the complaint. Workers may of course discuss the complaint with a designated support person or representative. However, the support person or representative must also maintain confidentiality.

What happens under the informal complaint procedure?

Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the matter.

Possible options include (but are not limited to):

- the Contact Person discussing the issue with the person against whom the complaint is made; and/or
- the Contact Person facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that do not warrant disciplinary action being taken.

In the informal complaint procedure there is no decision made about what did or did not occur, but rather, the Contact Person attempts to facilitate an outcome that is acceptable to all parties, including HIE.

What happens under the formal complaint procedure?

The formal complaint procedure typically involves a formal investigation of the complaint. Formal investigations may be conducted by a Contact Person, another person from HIE or by a third party (including legal representatives), appointed by HIE.

Where a complaint involves a disputed allegation that, if proven, may result in disciplinary action, it will generally be dealt with in accordance with the formal complaint procedure.

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An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether it is more likely than not that the reported behaviour occurred or did not occur. Once a finding is made, HIE will consider any outcomes arising from the investigation.

If HIE considers it appropriate for the safe and efficient conduct of an investigation, Workers may be required not to report for work during an investigation. HIE may also provide alternative duties or work during an investigation. Employees will be paid their normal pay during any such period.

How long does the complaint process take?

Given the nature of EEO complaints and the need to maintain flexibility to resolve complaints, there is no set time frame for the complaints process. The Contact Person will commence the complaint handling process as soon as possible after it has been reported. The complaint will be treated as a matter of priority in order to bring about a resolution as quickly as possible.

Possible outcomes

The possible outcomes will depend on the nature of the complaint, the procedure followed to address the complaint, any findings (if applicable) and other relevant circumstances. They may, for example, be disciplinary or non-disciplinary.

Possible disciplinary outcomes include:

- a formal warning;
- counselling;
- suspension;
- termination of employment; and
- in the case of contractors, termination of engagement or non-renewal of contract.

Possible non-disciplinary outcomes include:

- training to assist in addressing the problems underpinning the complaint;
- monitoring to ensure that there are no further problems; and
- requesting an apology.

In every case, the actual outcomes to be adopted will be a matter for HIE to decide, in consideration of the circumstances as a whole.

Subject to change

This procedure does not form part of any contract between a Worker and HIE. Any reference to obligations or requirements of HIE in this procedure is not intended to give rise to contractual obligations binding on HIE.

HIE may amend, vary or replace this Procedure at any time.

Document approval

Approved by: General Manager, People Culture & Development

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