

# Maggie Beer Holdings Limited

## Grievance Policy

May 2022

# **Grievance Policy**

## **Maggie Beer Holdings Limited ACN 092 817 171 (the Company)**

### **and its subsidiaries**

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## **1. Introduction**

At Maggie Beer Holdings Limited (the **Company**) we aim to foster good relations amongst employees and between employees and management. We acknowledge that the enjoyment you experience in your job is reflected in how well you work and how well you relate to your colleagues and customers.

We also acknowledge that problems can arise at work that may sometimes cause you to feel aggrieved. These problems can sometimes arise from the behaviour or decisions of management or other employees.

The purpose of this policy is to allow you to have such problems, referred to as grievances, addressed internally in a timely and confidential manner.

A grievance can be about anything done, or not done, by management or another employee or employees, which you feel affects you unfairly or unjustly. A grievance can also be about discrimination, harassment, bullying or any other employment related decision or behaviour that you think is unfair, unjust or upsetting.

This Grievance Policy outlines the procedures you should follow to try to resolve a grievance and also outlines the steps the Company will take to resolve your grievance if you make a formal complaint.

In so far as this policy imposes any obligations on the Company, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

The Company may unilaterally introduce, vary, remove or replace this policy at any time.

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## **2. What are your options if you have a grievance?**

In general, there are three options to consider if you have a grievance, being:

- Deal with the matter informally. A grievance can be dealt with informally by approaching the person involved in your grievance if you feel comfortable doing so. You can tell them that their behaviour, decision, actions, etc. was unfair, offensive, discriminatory etc., and why you believe this to be so. The person may have been totally unaware of the effect of their behaviour or decision on you. By telling them you will give them a chance to redress the situation. This may not be appropriate in some cases, particularly if you do not feel comfortable with speaking to the person.
- Speak to your manager, other senior person or People Culture and Performance. If you do not want to speak to the person directly, you can tell your manager about your grievance. They should be able to tell you what your options are. They may approach the person complained about and talk to them informally about your grievance. They may decide to take more formal action. Generally, they will seek your approval before doing anything – although sometimes they may decide that taking action will be necessary even if you do not wish them to do so (for example where failure to do so poses a health and safety risk). If your grievance is about your manager, you may wish to speak to another senior person or People Culture and Performance. Alternatively, you may decide to make a formal complaint.
- Make a formal complaint. If you do decide to make a formal complaint, this can be done by putting the complaint in writing and reporting it to your manager (other senior person, or People Culture

and Performance). The written complaint should contain a description of the incident(s), decision, behaviour in question, the time and date of the incident(s), the names of any witnesses, your signature and date of the complaint.

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### **3. If you make a formal complaint how will your grievance be handled?**

Grievances will be handled in accordance with the following guidelines:

- grievances will be treated with the utmost confidentiality (except where the Company deems it is necessary to disclose the complaint for the purpose of dealing with it effectively; disclosure will be no wider than is strictly necessary). It is important that you also maintain confidentiality and do not discuss your complaint with others unless the Company gives you permission to do so.
- any grievance will be taken seriously, handled impartially and any steps taken will be in accordance with the principles of procedural fairness;
- employees who raise grievances are protected from victimisation;
- grievances will be dealt with promptly, considering all of the circumstances; and
- generally, the company or employee may appoint another person, organisation or association to assist, accompany and/or represent them at any stage of the process.

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### **4. The Investigation**

Where a grievance cannot be resolved informally and the Company deems an investigation is required, the matter will be investigated by such appropriate person as the Company deems appropriate. This may be an external investigator.

How the investigation is to be conducted is at the complete discretion of the Company. The following are general guidelines only.

During the investigation, you will generally be interviewed first, following which any witnesses, the person against whom the complaint is made, and any other relevant people will be independently interviewed. Both you and the person against whom the complaint is made will generally be allowed to have a support person present when the interview is being conducted.

- If the complaint is substantiated, appropriate action will be taken (see below).
- If the complaint is unsubstantiated, you will generally be given an explanation as to why that finding was made.
- If the complaint is found to have been fabricated or vexatious, appropriate disciplinary action may be taken against you up to and including termination of employment.

Without prejudice to either party, work should continue as normal whilst the matter in dispute is being dealt with in accordance with this "Grievance Policy" and industrial instrument (such as award or agreement) or legislative provision.

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### **5. What are the possible outcomes?**

If the investigation reveals that your complaint is valid, a number of actions may be taken, depending on the nature of the complaint. The person against whom the complaint is made may be asked to give you a written apology, they may be given a written warning, counselling, transfer, demotion, or may be subjected to disciplinary action up to and including termination of employment.

If the investigation is inconclusive, i.e. the complaint cannot be proved due to lack of evidence or the conduct is not sufficiently serious to justify disciplinary action, the Company may nevertheless take a number of actions. These may include training and/or monitoring of relevant staff.

If the complaint is found to have been fabricated or raised vexatiously, appropriate action may be taken against you in accordance with the Disciplinary and Termination Policy including counselling, a formal warning, transfer, demotion, or disciplinary action up to and including termination of employment, depending on the seriousness of the circumstances.

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## 6. What if you are not satisfied with the outcome?

If you are not satisfied with the way in which your grievance was handled, you may have the option of raising your complaint with an outside agency, such as the Australian Human Rights Commission, the Fair Work Ombudsman or the relevant State Anti-Discrimination Board and other bodies. You may also wish to consider making a claim in the Fair Work Commission or the court. In appropriate circumstances you may wish to seek advice from a union or lawyer.

This policy is reviewed and updated from time to time as follows

Date	Action (E.g.: Reviewed and Updated)	Approved by
	Developed	
	Reviewed and updated	

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## 7. Relevant MBH Policies

Employees and are encouraged to read this policy in conjunction with other relevant Company policies, including:

- Code of Conduct
- Equal Employment Opportunity Anti-Discrimination, Sexual Harassment and Bullying Policy
- Whistleblower Policy

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## 8. Relevant Legislation

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Crime and Corruption Act 2001
- Disability Discrimination Act 1992
- Disability Services Act 2006
- Fair Work Act 2009
- Human Rights Act 2019
- Racial Discrimination Act 1975
- Racial Hatred Act 1995
- Sex Discrimination Act 1984
- Work Health and Safety Act 2011

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## 9. Support Agencies

The Victorian Equal Opportunity and Human Rights Commission is responsible for addressing complaints of discrimination, sexual harassment, and racial and religious vilification.

([www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au))

The South Australian Office of the Commissioner for Equal Opportunity promotes equality of opportunity, prevents certain kinds of discrimination and helps South Australians participate in our community.

(<https://www.eoc.sa.gov.au/>)

### **MBH Employee Assistance Program** LifeWorks by Morneau Shepell

The Employee Assistance Program allows you or your immediate family members to confidentially discuss any work or personal issues.

Sessions with qualified psychologists and social workers can take place face to face or over the phone.

Phone            1300 361 008 (Aust)

### **Beyondblue**

Beyondblue provides people with access to information for depression and anxiety related matters. They can also make referrals to other relevant services.

Phone            1300 224 636  
Website        [www.beyondblue.org.au](http://www.beyondblue.org.au)