

AAMI

EQUAL OPPORTUNITY POLICY



2003/04 edition

EQUAL OPPORTUNITY

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EQUAL OPPORTUNITY

1.0 POLICY STATEMENT FROM THE CHIEF EXECUTIVE

AAMI's people management is based on honesty – absolute honesty without half-truths. We recognise the dignity of each member of staff as an individual and expect each to behave in an appropriate manner consistent with our core values.

This means that we are also committed to upholding the standards of behaviour set out by the equal employment opportunity and discrimination legislation.

AAMI takes seriously its legal responsibility to create an employment environment that is free of discrimination. It is AAMI's policy to ensure that employees are treated equally in all employment matters regardless of irrelevant factors, including, but not limited to: nationality, religion, disability, age, marital status, gender, irrelevant criminal offences, pregnancy, industrial activity, lawful sexual activity, physical features, political belief or activity, race, status as a parent or carer, gender identity, breast feeding, or personal association with a person who has any of these attributes.

Additionally, in creating a non-discriminatory working environment AAMI accepts it has a moral and legal responsibility to ensure that the workplace is free from sexual harassment, and that its commitment to equal employment opportunities for women is fulfilled.

You are individually responsible for maintaining these standards of behaviour. We expect all staff to behave in a manner consistent with our values, to support the objectives of the equal employment opportunity and discrimination legislation, and to endeavour to create a working environment that reflects this spirit. It is your responsibility to ensure that you do.

If you notice a breach of behaviour occurring, it is your responsibility to act on it. The policy contains procedures which are intended to help with the resolution of any such workplace issues. These procedures are specifically designed to allow you to raise issues in an open manner which is consistent with AAMI's values. They are also designed to manage breaches in a manner appropriate to the situation and the circumstances.

Yours sincerely,



ROBERT BELLEVILLE

Chief Executive Officer

2.0 POLICY OBJECTIVE

It is AAMI's policy objective to ensure the **elimination** and **prevention** of all forms of discrimination and harassment at all of its workplaces and the promotion of equal opportunity for all employees.

3.0 POLICY STRATEGY

Discrimination and harassment create an unprofessional work environment that can negatively affect people's health, lives and careers. This can affect AAMI in financial terms, both directly and indirectly. The impact is felt directly through compensation claims and common law damages, and indirectly through average customer service, reduced productivity, and increased resignation, replacement and training costs.

AAMI will take **preventative action** to minimise the risk of discrimination and harassment at **ALL** of its workplaces.

Preventive action may include, but is not limited to:

- Developing and issuing a policy that clearly outlines the behaviours that are not acceptable at AAMI and are unlawful in the areas of discrimination and harassment.
- Providing regular training, education and communication of the policy, as appropriate, for all new and current employees.
- Making the policy visible and available for all employees by providing a copy to new and current employees as well as posting the policy statement on noticeboards.
- Ensuring managers and supervisors take early corrective action when unacceptable behaviour is observed or reported.
- Displaying anti-discrimination and harassment posters on noticeboards in common work areas and distributing relevant brochures.
- Training managers at all levels about their role in ensuring that the workplace is free from discrimination and harassment.
- Providing employees who have been discriminated against or harassed with support mechanisms such as access to counselling services or an employee assistance program.
- Appointing Equal Opportunity Officers in every State.
- Ensuring that the selection criteria for management and supervisory positions include the requirement that incumbents have an understanding of, and ability to deal with, discrimination and harassment issues.
- Annually monitoring and evaluating the Equal Opportunity Policy for effectiveness.
- Establishing, implementing, monitoring and reviewing people practices and procedures to ensure they are based on the merit principle.

4.0 POLICY OUTCOMES

- A work environment that is free from discrimination, harassment and offensive behaviour and that ensures people are treated with respect and dignity.
- A working culture where employees enjoy working for, and want a long-term career with AAMI, and look forward to coming to work.
- Greater efficiency and productivity for AAMI and greater benefits and job satisfaction for employees.
- Promotion of diversity by recognising that individuals within the workplace differ from each other in ways such as race, religion, age and sex.
- Legal compliance with Federal and State legislation, which have been used as the minimum platform for the development of the policy.

5.0 RESPONSIBILITY AND ACCOUNTABILITY

AAMI has a legal responsibility to prevent and eliminate discrimination and harassment in the workplace. This means that **ALL** AAMI employees at **ALL LEVELS**, through their acceptance of the conditions of employment, acknowledge their responsibility to support the policy strategy and to help achieve the policy objectives.

All employees and persons in the workplace have the right to be treated with dignity and respect. It is the responsibility of each individual to be sensitive to the impact that they have on the people around them, and to not discriminate against or harass any person in the workplace, or any contractor or client with whom they are dealing, or condone discrimination or harassment by others.

As a key performance indicator of their role, employees who are responsible for staff, such as managers and supervisors, are accountable for the elimination and prevention of discrimination and harassment in their areas of responsibility. Employees who do not take action to ensure their division is free from discrimination and harassment may be disciplined.

Managers and supervisors have a responsibility to:

- Monitor the working environment to ensure acceptable standards of conduct are observed at all times.
- Model appropriate behaviour themselves.
- Promote the Equal Opportunity Policy within the workplace.

ALL staff have a responsibility to:

- Comply with the Equal Opportunity Policy.
- Offer support to anyone who is being discriminated against or harassed and let them know where they can get help and support.
- Maintain complete confidentiality if they provide information during the investigation of a complaint. If any person spreads gossip or rumours, they may be subject to internal disciplinary action or external defamation action.

6.0 LIABILITY

Under the various Federal and State legislation, anyone who discriminates or harasses another person who works in the same workplace and engages in the behaviours prohibited by legislation or in this policy will be held personally liable for their unlawful actions. It is irrelevant whether the person is an employer, manager, supervisor, employee, contract worker, customer, business partner, visitor, volunteer, unpaid trainee or work experience student.

All of these persons can be held liable for breaches of the policy and legislation, and all are protected from discrimination and harassment by the legislation.

7.0 PENALTIES

If an employee of AAMI has breached any part of the AAMI Equal Opportunity Policy, there may be a full investigation in accordance with the Complaints Procedure outlined in this policy.

If the alleged offender is found to have breached the policy, disciplinary action or dismissal will take place. In cases of clear, serious or deliberate breaches of standards of behaviour, instant dismissal may occur.

In other breaches, the severity of the offence and the circumstances will determine what action will be taken.

8.0 POLICY COVERAGE

This policy protects AAMI employees and all other persons who come into contact with AAMI. This includes, but is not limited to, job applicants, contract workers, business partners, customers, clients, visitors, volunteers, unpaid trainees and work experience students.

9.0 POLICY APPLICATION

This policy applies to all stages of the employment relationship, including, but not limited to:

- Recruitment
- Selection
- Promotion
- Placement
- Transfers
- Performance reviews
- Job evaluation
- Remuneration and benefits
- Training and development
- Termination
- All other conditions of employment with AAMI

This policy also applies to any work-related context, as well as the workplace itself, before, during and after work hours. This includes, but is not limited to internal, or external training venues, conferences, work or business-related functions or parties, business or field trips or office end-of-year parties.

10.0 POLICY DEFINITIONS

10.1 Equal employment opportunity

Equal employment opportunity refers to the legislation that protects the principle that every person has the right to be treated fairly. It is a positive way of expressing the absence of overt discriminatory practices and behaviour, as well as the removal of policies, practices and procedures that have a discriminatory effect on certain groups of people in the workplace.

10.2 Merit principle

The **merit principle** means that equal skills and equal qualifications result in equal chance of selection and progress, leading to equal access to employment, benefits and opportunities.

10.3 Defining discrimination

Discrimination can be defined as any practice that makes distinctions between individuals or groups, based on attributes and assumptions so as to disadvantage some and advantage others. It does not have to be calculated or conscious. The intention of the person discriminating is irrelevant. Discrimination occurs in two forms: direct and indirect.

Direct discrimination occurs when a person with an attribute is treated less favourably than another without that attribute would be treated in comparable circumstances. It involves a person being targeted, isolated or specially selected to receive discriminatory treatment. An example of direct discrimination would be if a qualified job applicant was not employed because the person was of a particular gender, was married, or was a particular race.

Indirect discrimination occurs when a condition of employment is imposed, which appears not to be discriminatory but has a disadvantageous effect on people in certain groups. For example, it might be claimed scheduling meetings regularly in the evenings or on weekends discriminates against people with family responsibilities.

10.4 Defining harassment

Harassment can be defined as any behaviour that may cause a person to feel threatened, unreasonably uncomfortable or unable to cope with their work environment. It may be physical, psychological, visual, verbal or non-verbal conduct. It is behaviour that intimidates, belittles, offends, degrades, threatens or

humiliates a person, possibly in front of other people such as co-workers or customers.

Harassment/Bullying occurs when an individual in the workplace is subjected to deliberate and repeated degrading behaviour, such as abuse and threats that may lead to physical violence and, which may be for discriminatory reasons such as colour, religion, ethnicity or position level.

Electronic Harassment is the use of the Internet and email in a harassing way and may include transmission of material that is inappropriate in a work setting.

10.5 Defining sexual harassment

Sexual Harassment can be defined as *unwelcome* and *non-consensual* sexual advances or requests for sexual favours, or engaging in any other conduct of a sexual nature in circumstances where it is reasonable to anticipate that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

Sexual conduct is unwelcome when the conduct is not invited or solicited by a person and the person regards the conduct as undesirable or offensive. Common forms of behaviour that may be considered mild or trivial can sometimes contribute to an offensive or humiliating work environment. It may involve a person harassing a member of the opposite sex or the same sex. The intention of the harasser is irrelevant.

Customer Sexual Harassment occurs when another person, in the course of providing or offering to provide goods, services, facilities or accommodation, has been sexually harassed. Engaging in this behaviour may cause the employee to be held liable for their actions via external proceedings, as well as being subject to disciplinary action or dismissal.

10.6 Defining liability

Vicarious Liability refers to the legal responsibility AAMI has for the unlawful actions of its employees, and those people covered under this policy, towards the people protected under this policy. An example of vicarious liability may be where a branch officer refuses to serve a customer of a different ethnic origin.

Vicarious liability also applies to people who are responsible for others. For example, managers and supervisors may be held liable for the unlawful actions of the employees under their control.

Employee or Direct Liability is when a person, including executives, managers and supervisors, is held personally liable for the discrimination or harassment of another person in the workplace.

Principals and Agents Liability is when recruitment agencies are held liable for discriminatory conduct on an employer's behalf.

Accessory Liability is when a person causes, instructs, aids, permits or incites another person to do an unlawful act under the legislation – then he or she will be liable as an accessory. For example, a person who actually commits an unlawful act may have been instructed or induced by a second person to commit the act.

11.0 AAMI POLICY

AAMI will not tolerate any form of discrimination or harassment at any workplace, or any behaviour that causes a person to feel threatened, unreasonably uncomfortable or unable to cope with their work environment.

Acts of discrimination and harassment are unlawful and unacceptable at AAMI. Any person who engages in any behaviour that constitutes discrimination or harassment will be disciplined and may even be dismissed. This policy applies to all AAMI workplaces during, before and after working hours and all AAMI-endorsed work functions.

AAMI is committed to Equal Employment Opportunity for all staff, and approaches the management of all employment circumstances based on the merit principle.

11.1 Discrimination

AAMI is committed to preventing discrimination on any of the following grounds:

- Sex
- Age
- Race
- Religion
- Pregnancy and potential pregnancy
- Breastfeeding
- Marital status
- Family responsibilities and status as a parent or carer
- Disability or impairment
- Political activity
- Industrial activity
- Sexuality, sexual preference and lawful sexual activity
- Gender identity
- Physical features
- Criminal record
- Personal association with a person who has any of the above attributes.

11.1.1 Behaviours that constitute discrimination

Sex Discrimination is based on whether a person is male or female and includes presumptions made about a gender. For example, it is sex discrimination to presume that women are less likely to last in a job because they will leave to have children, that male applicants are more suited to motor sales specialists roles because they know more about cars than females, or not to short list a male for a receptionist position because the interviewer prefers to have a woman in the role.

Age Discrimination occurs when you use a person's age to make decisions where their age is irrelevant. For example, not providing training for an employee approaching traditional retirement age, or not promoting a staff member to a supervisory role because of their youth despite satisfactory performance.

Race Discrimination is based on colour, ethnicity, national origin or descent, or assumptions surrounding a person's race. For example, declining an applicant because of their accent, which does not affect their ability to be understood, or altering the level of service provided to customers of a different nationality would be race discrimination.

Religious Discrimination occurs when an individual is treated unfairly because of their actual or assumed religious background. For example, an employer refusing to allow employees to wear a head-covering in the workplace, even if it is worn for religious reasons may be considered discriminatory.

Pregnancy and Potential Pregnancy Discrimination occurs when this ground is used to treat someone more or less favourably than someone who does not fall into this category. An example would be using this as an excuse for redundancy or a criterion for demotion, or the employer suggesting the employee not get pregnant, or terminate a pregnancy in order to have a future with the company.

Nursing mothers may want to continue **breast feeding** after returning from Parental Leave. Not facilitating flexible break times to feed or to express milk may disadvantage or prevent mothers from returning to work.

Marital Status Discrimination is based on whether a person is married, single, divorced, widowed or de facto. It also covers people who are married to a person employed by a business rival. The ground covers stereotyped assumptions about the capacity for a person to undertake full-time work or assumptions about their financial need. For example, an assumption that married women cannot undertake full-time work, and if they are terminated their husbands can support them may constitute discrimination.

Family Responsibilities and Status as a Parent or Carer Discrimination occurs when a person is treated less favourably because of their caring responsibility. This includes the assumptions that carers can't be flexible, can't put in a full day, are not interested in a career or have a reduced commitment to their job. People with family responsibilities may not be promoted or given access to training due to these assumptions. Asking a job applicant questions about his or her children, family responsibilities or status as a carer in an interview may be considered discriminatory if the information is used in making a hiring decision.

Disability and Impairment Discrimination is based on stereotyped assumptions about the characteristics of people with disabilities/impairments that may be physical, psychological or intellectual. An example of this type of discrimination would be where a person with epilepsy is not employed because of a fear that they may have seizures at work and cause a disturbance or injure themselves.

Political Activity Discrimination is when a person is treated less favourably because they have a preference for a particular political party. For example, discouraging an employee with a known political persuasion from joining a staff committee because you believe their views will impact the effectiveness of the team.

Industrial Activity Discrimination occurs when a person is discriminated against on the basis of their involvement with an industrial activity or union. An example of this would be not considering a union member for nomination to an OHS committee due to potential staff concerns.

Sexual Preference and Lawful Sexual Activity Discrimination occurs when a person's sexual orientation is used to their disadvantage. That is, whether the person is homosexual, bisexual or heterosexual. An example of this is when a person is denied a promotion because they are homosexual.

Physical Features Discrimination is based on the person's attributes such as height, weight, size, birthmarks or other bodily characteristics beyond their control. An example of this could include having height requirements for a job.

Discrimination on the Basis of Criminal Record occurs when you refuse to employ or promote a person because they have a prior criminal record that has no bearing on the inherent requirements of the job. For example, an applicant for a data entry position may disclose that, they had been charged once for petty theft 15 years ago. If the person were, based on this information, not offered the position, it could be considered discrimination.

Gender Identity Discrimination is treating a person with a particular gender identity less favourably than a person who does not have that gender identity in the same or similar circumstances. Gender identity means self identification as a person of the relevant gender. A person may identify as a member of a particular gender by their style of dress, medical intervention, or by other means, including a change of name.

Victimisation Discrimination occurs when a person is treated less favourably because they have complained of harassing/discriminatory behaviour directed at them. Protection of complainants is important in encouraging the aggrieved person to bring a valid claim forward and extends to people who gave evidence or information in connection with the investigation. Victimisation of a complainant is unlawful.

11.2 Harassment

AAMI is concerned with the health and safety of its employees, customers, and any other person who comes into contact with AAMI. AAMI will take all reasonable steps to keep these people safe from all forms of harassment, including, but not limited to:

- Sexual Harassment
- Workplace Harassment/Bullying
- Customer Sexual Harassment
- Racial Hatred and Harassment
- Electronic Harassment

11.2.1 Behaviours that constitute harassment

Sexual Harassment

- Sexual advances, requests for sexual favours, etc.
- Remarks or innuendo of a sexual nature.
- Intrusive questions asked at employment interviews.
- Uninvited physical contact or gestures such as kissing, embracing, patting, pinching, touching in a sexual way, putting an arm around another person's body at work, massaging a person without invitation and deliberately brushing up against a person.
- Attempts at sexual intercourse, sexual intercourse under threat of loss of employment, offers of rewards for sex, unwelcome requests for sex, sexual assault and rape.
- Sexually-explicit conversation such as lewd comments, dirty jokes and foul language.
- Unwelcome remarks, intrusive questions or insinuations about a person's sex or private life, suggestive comments about a person's appearance or body, demanding a person wear sexually-suggestive clothing and repeated comments or teasing about a person's alleged sexual activities or private life.
- Displays of offensive or pornographic material such as posters, pin-ups, cartoons, graffiti or calendars.
- Offensive and nuisance communication (letters, phone calls, faxes, email messages, screensavers, etc).
- Indecent exposure or 'flashing'.
- Persistent, unwelcome social invitations or telephone calls from workmates at home or at work.
- Being followed home from work.
- Declarations of love, love letters or proposals of marriage.
- Repeated invitations to go out after prior refusal.
- Staring or leering at a person or at parts of their body.
- Touching or fiddling with a person's clothing such as lifting skirts or shirts, flicking bra straps or putting hands in a person's pocket.

Workplace Harassment/Bullying

- Belittling opinions.
- Constant, unwarranted and humiliating criticism.
- Unreasonable under-utilisation of the person and creating a feeling of uselessness.
- Undermining work performance by deliberately withholding work, related information, resources or supplying incorrect information.
- Unexplained job changes.
- Allocating meaningless tasks beyond the employee's ability.
- Punishing someone who does not accept the workplace culture.
- A threatening management style.
- A person in authority displaying harassing behaviours as a means of enforcing authority or relieving frustration.
- Behaviour that is designed to intimidate, cause distress and deliberately upset another person.

Racial Hatred and Harassment

- A public act which incites hatred, serious contempt or severe ridicule of a person or group of people on the ground of their race.
- Forms of written and spoken communication with the public or employees, such as writing racist graffiti in a public place.

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- Actions and gestures observable by the public such as racist abuse in a branch, shop or workplace.
 - Distribution of vilificatory material to a person or their property, such as posting racist posters or stickers.
 - Inciting other people to threaten physical harm towards people or property.
 - Offensive, racist comments in a publication.

Electronic Harassment

- Access to pornographic Web sites.
- Flame mail – the use of email to transmit offensive, insulting or harassing messages to other employees or those outside the workplace.
- Use or creation of offensive or pornographic screensavers.
- Transmitting unwanted messages that the recipient may consider offensive, such as lewd jokes, or an abusive email.
- Discrimination based on the grounds outlined in this policy.

11.2.2 What is not harassment

Behaviour based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not harassment.

11.3 Equal employment opportunity for women (EEO for women)

AAMI is committed to having in place equal opportunity programs for women that are in line with the *Equal Employment Opportunity for Women in the Workplace Act 1999*. The legislation deals with the employment of women based on merit and ensures equal pay for equal work. That is, males and females receive equal remuneration for work of equal value.

The core objectives are to:

- Promote the principle that employment for women should be dealt with on the basis of merit.
- Promote the provision of equal employment opportunities for women.
- Foster workplace consultation between employers and employees that ensures equal employment opportunities for women.

AAMI will achieve these objectives by reviewing and implementing people-management practices that do not directly or indirectly discriminate against women and are based on:

- Individual merit and fitness of applicants and employees for jobs without regard to factors such as sex, marital status or family circumstances.
- Individuals possessing equal skills and qualifications have an equal chance of getting a job.
- Recognition and acceptance of the fact that it isn't enough to make specific acts of discrimination unlawful. Further steps are needed to relieve the effects of past discrimination, to eliminate present discrimination and to ensure future discrimination does not occur.

12.0 EQUAL OPPORTUNITY OFFICERS

Equal Opportunity Officers are chosen from various levels within AAMI and represent a cross-section of the workplace. A list of Equal Opportunity Officers is attached to this policy.

In appointing Equal Opportunity Officers, AAMI will look for people with the necessary personal attributes required, such as compassion, genuine concern for others, respect of the confidential nature of the role, understanding of own limitations, a commitment to equal opportunity, and an understanding of the equal opportunity policy and processes.

The core responsibilities of an Equal Opportunity Officer will include:

- Listening to complainant or respondent.
- Explaining what constitutes discrimination or harassment.
- Providing information about options available for complaint resolution.
- Discussing possible strategies the individual may use to deal directly with the other party.
- Referring the matter to the Manager or Human Resources representative as applicable.
- Referring the individual to the AAMI Employee Assistance Program (EAP) if necessary.
- Informing the individual of their rights.

13.0 RESOLVING COMPLAINTS

As an employee of AAMI, if you have been discriminated against or harassed, you have the right to have your complaint addressed and resolved in a fair and consistent manner. Below is an outline of the complaints procedure an employee can access for resolving complaints that relate to the Equal Opportunity Policy.

This model of resolving complaints has been chosen because it will ensure that **ALL** complaints will be listened to, taken seriously, and resolved fairly, sensitively, quickly and confidentially. AAMI will take all reasonable steps to determine swiftly the substance of any allegation. It also offers the complainant the option of addressing the matter formally or informally.

AAMI recognises that until a complaint has been investigated and a decision made, it is an allegation. The complaints process is not about establishing the innocent or guilty party, it is about getting people to think about the way their behaviour may affect others. Therefore, AAMI will protect all parties until a comprehensive investigation has been completed.

The complaints procedure sets out the way in which AAMI will handle a complaint. Please use it if you need to. Don't let people get away with discrimination and harassment.

13.1 Characteristics of the AAMI complaints procedure

Confidential

Only the people directly involved in making or investigating the complaint, and the person subject to the complaint, will have access to information about the complaint. A breach in confidentiality may lead to disciplinary action. All parties involved in the investigation, including witnesses, will be made aware of the consequence.

Objective

All parties will have a chance to tell their side of the story. No assumptions or judgments will be made and no action will be taken until all relevant information has been collected.

Free of repercussions

AAMI gives an undertaking that it will not tolerate any employee being victimised or disadvantaged for making a complaint or being involved in the investigation.

Timely

All complaints will be dealt with as quickly as possible. AAMI will aim to resolve complaints within four weeks if possible.

Provides choice and is flexible

The process provides the person with a choice of who to go to if they have a complaint and where to start the complaint. The process is based on flexibility and is designed to meet the different needs of each person and their circumstances, rather than following rigid steps.

13.2 Role of the Employee Relations Manager

To ensure all parties involved in the complaints procedure fulfil their roles satisfactorily, and that the principles and guidelines are followed, the Employee Relations Manager will be advised of all complaints and provide support where appropriate.

13.3 What do I do if I have a complaint?

13.3.1 Informal process

Sort it out yourself first

If you can, try to sort it out directly with the person involved. Tell the person that their behaviour is unwelcome, that it is a breach of AAMI policy and against the law, and if it continues, it will be reported to management. This will provide them with the opportunity to stop or to change their behaviour. Keep a note of any incidents that occur with dates, times, witnesses if any, what happened and what you said, did and felt.

Go to your supervisor or an Equal Opportunity Officer

If this doesn't work, or you don't feel you can sort it out yourself, go to your Supervisor or an Equal Opportunity Officer. They will assist you in sorting out the problem on a local level or will provide advice about the best way to tackle the situation and where to go if you need more help. If you are in a situation where you may not want to take your complaint to your supervisor or Equal Opportunity Officer, you may elect to take your complaint to the next level of management: your manager.

13.3.2 Formal Process

Go to your Manager or EO Officer

Your manager is the next level up from your supervisor and is the person you should approach if you wish to make a **formal complaint**. It is at this level that the formal complaints process is initiated. If it is inappropriate, or you do not feel comfortable talking to your manager, you can speak to an Equal Opportunity Officer or your Human Resources representative.

The person you have elected to speak to will take the following steps:

They will work out if they are the right person to deal with the complaint. They will send the complaint, with your consent, to another manager if they feel they are not the right person. They will involve Human Resources in conducting the investigation and addressing the issue and will advise the Employee Relations Manager.

If they are the right person to deal with the complaint, they will:

- Explain the complaints procedure and provide information on your available options and possible outcomes.
- Commence the investigations process.
- Provide other places to go for more information.
- Take a written record of the complaint.
- Interview people involved separately and impartially to hear their side of the story.
- Make sure that the outcome decided upon actually happens.

(See AAMI Complaints Procedure diagram – page 20)

13.4 Possible outcomes

The outcome will be dependent upon the severity of the behaviour. Some examples of possible outcomes include:

13.4.1 If the complaint has been substantiated (it actually happened)

Person who made the complaint

- A written apology from the harasser or discriminator.

Person who the complaint was made against

- Documented warning.
- Documented counselling.
- Demotion.
- Dismissal.

13.4.2 If the complaint is not substantiated (there is not enough proof)

- Training for staff on discrimination and harassment law.
- Training for staff on the AAMI Equal Opportunity Policy.

13.4.3 If the complaint is frivolous

Person who made the complaint

- Documented warning.
- Documented counselling.
- Demotion.
- Dismissal.

Person who the complaint was made against

- A written apology from the Employee Relations Manager.

13.4.4 Follow up

This may include periodical assessments of the effectiveness of the agreed resolution strategies.

13.5 Appeals

You can only ask AAMI to take a second look at the decision if it has not followed the procedures set out here, or you think it didn't do something properly.

If you think the complaints procedure was not followed properly, you can appeal to the General Manager, People and Culture, who will look at the way the complaint was handled. If it is determined it was handled properly, no further action will be taken. If the General Manager, People and Culture believes it was not handled properly the complaint will be looked at again. A new person from within the company will then review the complaint.

13.6 Using an external agency

If you do not wish to use these procedures or you are not satisfied with the outcome, you may wish to take it to an external agency to see if they can help. Please refer to the section in this policy headed 'Further Information' for names and addresses in your State.

14.0 GUIDELINES FOR HANDLING A COMPLAINT

14.1 Investigation

- Provide both parties with access to support and representation during the course of the procedure. This may include another colleague, another supervisor or manager, or a union representative.
- Notify the person who has had allegations made against them before interviewing them as part of the investigation to give them time to organise support or representation.
- If appropriate, an independent observer may be appointed. The observer may work for the company or come from outside. All parties are consulted and agree on who the observer should be.
- Ensure both parties have access to information about the range of options available to them.
- Spend an equal amount of time with both parties in trying to resolve the complaint. This will ensure that both parties have been provided with adequate opportunity to tell their side of the story.
- Keep all parties informed throughout the process and explain the reasons for the decisions made.
- Only interview the minimum number of witnesses necessary to establish facts.
- Throughout the investigation all parties involved will be contacted, including witnesses, to ensure victimisation is not occurring.
- The complainant may withdraw from the investigation at any time. They will not be forced or coerced in any way to continue.
- If a complaint has been withdrawn, AAMI may continue the investigation and take the appropriate steps to ensure the safety and well-being of all other people.
- With the consent of both parties, the person handling the complaint may elect to enlist support from another person to resolve the complaint effectively and quickly.

14.2 Target timeframes

- The person with the complaint is to be spoken to on the same day that they made the complaint.
- The person against whom the complaint is made is to be notified within 48 hours of interviewing the person with the complaint.
- The initial investigation is to commence within one working week.
- The complaint is to be resolved, where possible, within four working weeks.

14.3 Record keeping

- All details relating to the complaint will be recorded in writing. At all times the documentation must outline the details of the discussion, date, names of all attendees and all signatures.
- All documents will be sealed and kept in the office of the Employee Relations Manager. The documents will be accessed by the Employee Relations Manager and those persons involved with resolving the complaint.

15.0 FURTHER INFORMATION

If you require further information or advice, please contact your Human Resources representative or the Employee Relations Manager on (03) 8520 1921. You are encouraged to ask AAMI to resolve the complaint internally in the first instance. However, if you wish to contact an external body, the contact list is outlined below.

15.1.1 Federal

Human Rights and Equal Opportunity Commission

Level 8, Piccadilly Tower
133 Castlereagh Street, Sydney, NSW
Tel: (02) 9284 9600
Fax: (02) 9284 9611
Toll Free: 1800 620 241

15.1.2 State

Australian Capital Territory

Level 4, 4 Mort Street, Canberra City
Tel: (02) 6207 0576
Fax: (02) 6207 0587

Queensland

Anti Discrimination Commission

Level 1, 189 Coronation Drive, Milton Qld
Tel: (07) 3247 0900
Fax: (07) 3247 0960

Victoria

Equal Opportunity Commission

Level 3, 380 Lonsdale Street, Melbourne VIC
Tel: (03) 9281 7111
Fax: (03) 9281 7171
Toll Free: 1800 134 142

Western Australia

Equal Opportunity Commission

Level 2, 141 St Georges Terrace, Perth WA
Tel: (08) 9216 3900
Fax: (08) 9216 3960
Toll Free: 1800 198 149

New South Wales

Anti-Discrimination Board

Level 17, 201 Elizabeth Street, Sydney NSW
Tel: (02) 9268 5555
Fax: (02) 9268 5500

South Australia

Equal Opportunity Commission

Level 2, 45 Pirie Street, Adelaide SA
Tel: (08) 8207 1977
Fax: (08) 8207 2090
Toll Free: 1800 188 163

Tasmania

Anti-Discrimination Commission

Level 5, 15 Murray Street, Hobart TAS
Tel: (03) 6224 4905
Fax: (03) 6233 5333

16.0 EMPLOYEE ACKNOWLEDGEMENT AND ACCEPTANCE

I,

(Please PRINT your WHOLE name in CAPITAL LETTERS)

have read and understood the AAMI Equal Opportunity Policy.

I understand which behaviours constitute discrimination and harassment and acknowledge that I may be disciplined or dismissed if I engage in any behaviours that are inappropriate and unacceptable at any AAMI workplace or function, during, before, and after working hours.

To acknowledge your acceptance and compliance with the AAMI Equal Opportunity Policy, can you please date, sign and return **this page only** to your Regional Human Resources Department.

Employee Signature:

Date:

16.1 AAMI Equal Opportunity Officers

Victoria

- Mardi Williams

Head Office and Emerging Businesses

- Teresa Calderone

Central New South Wales

- Louise Bratby

Northern New South Wales

- Zara Bartholomew

Southern New South Wales

- Monica Padiyachi

South Queensland

- Karen Francis

North Queensland

- Sue Yunker

Gold Coast

- Christine Lesmond

South Australia

- Sandra Panetta

Tasmania

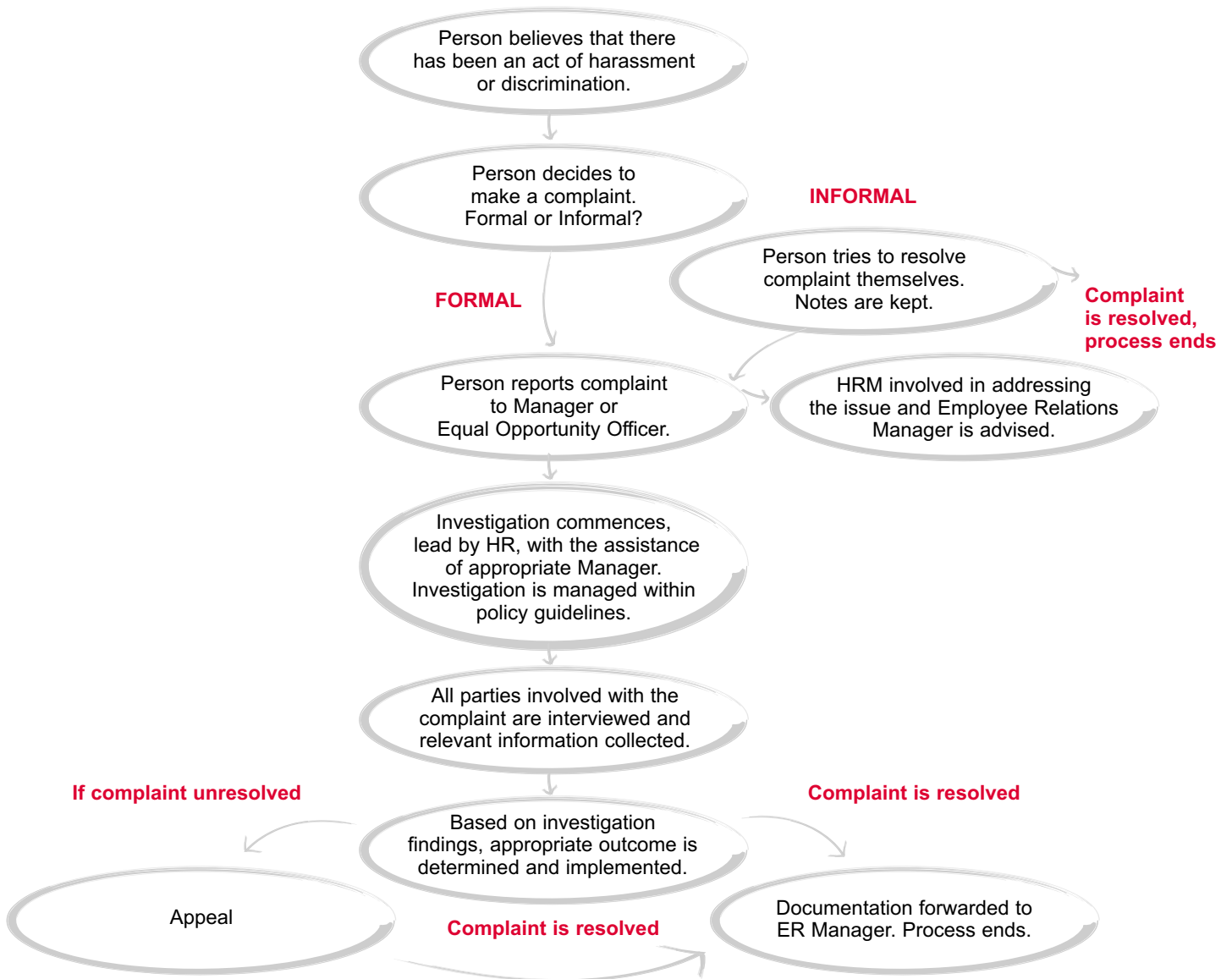
- Paul Grzinic

Western Australia

- Narelle Smith

17.0 APPENDICES

17.1 AAMI Complaints Procedure



AAMI

Australian Associated Motor Insurers Limited
ABN 92 004 791 744

