



Resolving Issues and Concerns Procedure

1. Purpose

This procedure outlines the options and processes for resolving issues and concerns within Hydro Tasmania, Entura, Momentum and TVPS in relation to conduct that is or may be inconsistent with the standards of behaviour set out in the [Code of Conduct](#) and [Workplace Behaviour and Respectful Interactions Policy](#).

This procedure has been developed to assist us to create clear and efficient processes. It does not form part of any contract of employment and is not intended to create a separate contract of any kind.

Please note that for escalating and resolving safety issues and concerns, please refer to the Work Health and Safety [Communication and Consultation Procedure](#).

2. Scope

This procedure applies to all employees of Hydro Tasmania, Entura, Momentum and TVPS, as well as any contractors, consultants or other workers who perform work in our workplace.

3. Guidelines

3.1 Raising concerns

If you experience, or witness, unlawful or otherwise inappropriate workplace behaviour, you are encouraged to raise your concern using one or more of the internal or external resolution options set out in this procedure.

While we recognise that some of the conduct described in our Code of Conduct and Workplace Behaviour and Respectful Interactions Policy may have an interface with workplace health and safety, please note that issues or concerns of this nature do not need to be logged as an incident or safety interaction within SAP. This is because the confidential and often sensitive nature of these issues and concerns will usually mean that they are more appropriately addressed through the processes outlined in this procedure. We also want to ensure that individuals who witness or experience unlawful or other inappropriate workplace behaviour are aware of the full range of options and supports available.

Hydro Tasmania, Entura, Momentum and TVPS will treat all reports of unlawful or otherwise inappropriate workplace behaviour seriously and will take appropriate action to investigate or otherwise address concerns in an impartial and confidential manner. However, we recognise that each situation is unique and may involve different considerations. This procedure should therefore be viewed as a guideline – and the process may vary according to the individual circumstances.

3.2 Guiding Principles

The following guiding principles provide a framework to ensure fairness and consistency in any issues resolution or complaints process:

- **No complaint needed** – All issues and concerns will be treated seriously and with a person-centred focus, to make sure they are addressed in the most appropriate manner in the circumstances. This means that it will not always be necessary for a person to make a formal complaint or to undertake a formal investigation – and there may be times where it is possible and appropriate to resolve a concern by adopting a direct resolution or assisted resolution approach.
- **Early resolution** – early resolution is encouraged wherever possible, provided it is reasonable and safe to do so. All those involved in a resolution process should act promptly and keep participants informed of expected timeframes wherever possible.
- **Support for all parties** – This includes the ability to bring a support person to meetings, access to the Employee Assistance Program or other support as appropriate. If you are involved in a complaint or resolution process, you may wish to ask a friend, family member or colleague to be your support person. However, this should be a person who is not a party to a process or involved as a potential witness or otherwise has a conflict of interest.
- **Communicate process and outcomes** – all parties should be kept reasonably informed of the process, what they can expect will happen during a complaints process and (where applicable and appropriate) the outcomes of any investigation or complaints process.
- **Show respect** – all those involved in any complaints process must maintain appropriate, professional and courteous behaviour at all times.

3.3 Confidentiality

When raising an issue with Hydro Tasmania, Entura, Momentum or TVPS, it is important to be aware that, while complaints will be treated confidentially, this does not necessarily mean it will remain confidential solely to the person you have come to with your concerns.

Depending on the nature of the issue, the person you speak to may have an obligation to initiate an investigation (which may involve speaking to those directly involved in order to provide a fair opportunity to respond and any witnesses), bring the issue to the attention of relevant managers or report the matter to an external body (for example, to the Integrity Commission if a disclosure is made under the *Public Interest Disclosures Act 2002* (Tas)). This is particularly the case where a risk to health and safety has been identified.

However, the general expectation is that participants in a complaints process will treat all information received as being confidential.

4. Internal Resolution Options

Internal resolution options include:

- Direct Resolution
- Assisted Resolution
- Complaint

Employees are encouraged to access whichever option they are most comfortable with in the circumstances.

There may also be occasions where an issue or concern is not reported by an employee but Hydro Tasmania, Entura, Momentum or TVPS nevertheless become aware of it. If this occurs, Hydro Tasmania, Entura, Momentum or TVPS will respond appropriately, even if no complaint has been received.

Each of these options is included in this procedure.

4.1 Direct Resolution

Where possible and appropriate, individuals are encouraged to try to resolve issues between themselves. A direct approach can often be the most effective way to resolve an issue quickly, particularly where the individual is not aware of the impact of their behaviour.

This also applies to relationship issues which are causing personal concern, but which do not necessarily constitute a breach of the [Code of Conduct](#) or [Workplace Behaviour and Respectful Interactions Policy](#).

However, we acknowledge that this will not always be appropriate – for example, where the conduct you are concerned about is serious (such as sexual harassment, discrimination, bullying or racial vilification), or where your concern relates to someone more senior who you don't feel comfortable raising the issue with directly.

4.2 Assisted Resolution

If you would like to try to resolve the issue directly but are unsure of how to approach the discussion or have reservations about having a 'one on one' conversation, you may wish to seek the assistance of a Manager/People Leader or a HR Representative in the People and Capability Team to help facilitate a discussion between you and the other person, in an informal and impartial manner.

4.3 Complaint

We recognise that there will be circumstances where the concerns are more serious (such as in the case of actual or threatened violence or assault, or where alleged sexual harassment or racial vilification has occurred) or have broader implications outside of a direct relationship (for example, risks to health and safety). In this case, each worker has a responsibility to report any incidents of inappropriate workplace conduct observed or witnessed (whether directed at you or another person).

There may also be circumstances where you do not feel comfortable raising an issue with the person involved – including, for example, because of the seriousness of the matter or the seniority of the person involved.

In these circumstances, a formal complaint should be made to your Manager/People Leader or a HR Representative. There is no set process for reporting concerns or making a formal complaint. You can do this by arranging a time to speak with your leader or your HR Representative sending them an email or written report outlining your concerns.

Alternatively, the attached **Issue Resolution Form** can be provided to your Manager/People Leader or a HR Representative and may provide a useful guide to assist you to report your concerns.

You will then be informed of the steps Hydro Tasmania, Entura, Momentum or TVPS is proposing to take to understand and respond to those concerns.

Sometimes it will be possible to resolve concerns through informal means, such as by discussing the matter with those involved, or by obtaining an explanation or apology. This approach will be encouraged wherever appropriate. On other occasions, however, it may be necessary to conduct a more formal inquiry or investigation into the matter, in which case the processes in Part 4 of this procedure and the **Discipline Procedure** will apply.

4.4 Issues identified by Hydro Tasmania, Entura, Momentum or TVPS

There may be times when an issue is identified directly by Hydro Tasmania, Entura, Momentum or TVPS, even if no complaint is received.

This may include (for example) where the conduct is directly observed by a Manager/People Leader, or where there is a suspected contravention of the requirements relating to the use of IT systems and equipment or social media.

In this case, the relevant Manager / People Leader will assess the appropriate steps to be taken in consultation with the People Team, having regard to Part 4 of this procedure and the **Disciplinary Procedure**.

5. Steps Taken to Resolve the Issue or Concern

5.1 Options

If an issue or concern is identified or raised with or identified by Hydro Tasmania, Entura, Momentum or TVPS, we will take reasonable steps to seek to establish whether the conduct did or did not occur. This may include:

- A Determination by a Manager/People Leader (for example, where there is no dispute about what occurred or key material facts (even where disputed) can be easily resolved by reliable documentary evidence or physical evidence (for example, where a person has sent an offensive email)
- A Preliminary Inquiry undertaken by a HR Representative to seek more information about what may have occurred and what further steps may be required
- A formal Investigation, undertaken either internally or by an external investigator

Each of these processes is set out in detail in the **Discipline Procedure**.

5.2 Participation in a Preliminary Inquiry or Investigation

If asked to participate in a Preliminary Inquiry or Investigation process, you:

- may invite a support person to attend with you (noting that their role is to provide support and it is your responsibility to ensure that they engage respectfully in the process and understand the requirements around confidentiality); and
- are expected to engage honestly and cooperatively, maintain confidentiality and not engage in any conduct that could amount to victimisation.

It is important that all information provided as part of an inquiry or investigation process is factually accurate and not speculative. If a person who has participated in an investigatory process is later discovered to have deliberately misled the investigation through the provision of inaccurate information, or engaged in conduct that amounts to victimisation, that person may be subject to disciplinary action as a result.

For more information, including information about the role of the Support Person, please refer to the **Discipline Procedure**.

5.3 Interim Arrangements

In the case of an allegation of misconduct or concerns creating a potential risk to health and safety, the employee's Manager/People Leader (after obtaining guidance from the People Team) may determine that it is appropriate to put interim arrangements in place while a preliminary inquiry or investigation is undertaken. This may include but is not limited to:

- suspending the employee from usual duties, so that they are not required or permitted to attend for work (but must be available to attend if required, including for the purposes of the inquiry or investigation); or
- making temporary changes to the employee's duties or working arrangements (for example, work location or reporting arrangements)
- restricting access to Company property and systems
- requiring employees to adhere to confidentiality obligations
- preventing or restricting communication between employees
- preserving evidence
- suspending Company benefits or use of tools of trade (for example, corporate credit cards, cars)
- any other action as deemed by Hydro Tasmania, Entura, Momentum or TVPS to be reasonably necessary in the circumstances.

There may also be circumstances in which Hydro Tasmania, Entura, Momentum or TVPS may be required, or consider it reasonably necessary, to make a report or disclosure to a third party such as Tasmania Police, WorkSafe or the Integrity Commission.

If you are suspended from your usual duties you will be informed of the grounds for suspension. If you are a full time or part time employee, you will continue to receive your base rate of pay in respect of the hours you would otherwise have worked during the period you are asked not to attend for work during an investigation.

Hydro Tasmania, Entura, Momentum and TVPS recognises that these processes can be difficult and encourages all employees to seek personal support, including accessing the Employee Assistance Program, should it be required at any time.

6. Potential Outcomes

If Hydro Tasmania, Entura, Momentum or TVPS is reasonably satisfied that a person has engaged in conduct that is inconsistent with the standards of behaviour set out in the [Code of Conduct](#) and [Workplace Behaviour and Respectful Interactions Policy](#), there could be a number of outcomes, including (but not confined to):

- the requirement for a person to provide an apology or engage in a mediation or other dispute resolution process with the person who raised the complaint
- Behaviour ceases and a commitment is made not to continue or repeat inappropriate behaviour
- counselling or training
- a verbal or written warning (noting that, depending on the severity or nature of the conduct, this may be a final warning, even if you have not previously received a warning)
- termination of employment (noting that your employment may be terminated for serious misconduct even if you have not previously received a warning)
- steps to reintegrate the affected individual/s back into the workplace (in the case of suspension or other absence)
- referral to an external agency (for example, Tasmania Police or the Integrity Commission)

In some cases, a complaint may be unsubstantiated, in which case it may not be appropriate for Hydro Tasmania, Entura, Momentum Energy or TVPS to take any action. However, if a complaint is found to be provoking or maliciously motivated, the complainant may also be subject to disciplinary action

For more information about possible outcomes, including information about what constitutes serious misconduct, please refer to the [Discipline Procedure](#).

7. External Resolution Options

We recognise that there may be circumstances in which an employee may not feel comfortable raising a concern through internal channels or may wish to seek additional support to resolve a concern.

The following external reporting options are therefore available and may be accessed at any time (and there is no requirement to exhaust all internal reporting options prior to doing so).

7.1 Be Heard

[Be Heard](#) is an independent reporting service managed by Deloitte, which provides an alternative channel for the reporting of serious workplace misconduct.

If you make a report through Be Heard, you can choose to remain anonymous if you wish. However, we encourage those reporting to provide as much information as possible to enable the matter to be properly understood and investigated.

A Deloitte investigator will review the information you provide and issue a report within 24 hours to a Hydro Tasmania representative who will review the report and determine what level of investigation is appropriate and whether corrective action is required.

7.2 Public Interest Disclosure Procedure

Under the *Public Interest Disclosures Act 2002* public officers, contractors and, in limited circumstances, members of the public can make disclosures about the improper conduct of public officers or public bodies. The discloser needs to believe the public officer or public body is, has been or proposes to engage in serious or significant improper conduct.

Please refer to the **Public Interest Disclosure Procedure** for more information about how to make a public interest disclosure (including who the disclosure can be made to) and the protections and safeguards in place throughout any investigation process.

7.3 External bodies

Further information, including information about how to make an external complaint, can be obtained from the following organisations:

- Australian Human Rights Commission (www.humanrights.gov.au)
- Equal Opportunity Tasmania (www.equalopportunity.tas.gov.au)
- Fair Work Commission (www.fwc.gov.au)
- Victorian Equal Opportunity and Human Rights Commission (www.humanrightscommission.vic.gov.au)
- Tasmanian Ombudsman (<https://www.ombudsman.tas.gov.au/>)
- Tasmanian Integrity Commission (<https://www.integrity.tas.gov.au/>)

8. Personal Supports

7.1 Workplace Support Officers (WSO)

Workplace Support Officers are employees who have volunteered and are trained to provide other employees with confidential information and support to address concerns they may be experiencing in the workplace, including discrimination, harassment and/or bullying.

WSOs have access to information about complaint resolution options within and outside the organisation and provide support to people to help them make informed decisions about how best to address the grievance or concern.

Employees can contact WSO at any time for support or guidance, before or after a formal complaint is raised. The WSO will listen to your concerns and provide information, support and options in an impartial and confidential manner.

A list of current WSOs is located on the **intranet**.

7.2 Employee Assistance Program

Our Employee Assistance Program (**EAP**) provides access to confidential coaching, counselling and wellbeing support services, provided by an independent third party.

This service is available to all employees and their immediate family members and can provide support in all aspects of life (not just work-related) – including physical, mental, social and financial.

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Policy Owner:	Head of People and Capability

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All Hydro Tasmania, Entura, Momentum Energy and TVPS employee and contractors must comply with all relevant laws and regulations, policies, procedures and supporting resources.

ISSUE RESOLUTION FORM

Employee, Contractor or Other Person at the Workplace Details (the person seeking the Issue to be resolved)	
Name	
Position Title (if applicable)	
Team/Business Unit	
Type of Issue	
e.g. inappropriate workplace behaviour; bullying. Please seek advice from the Human Resources Rep as required.	
Respondent(s) details (the person against whom the Issue has been raised)	
Name	
Position Title	
Team/Business Unit	
Details of Issue (use attachment if necessary)	
Date and time of behaviour and/or conduct:	
Location of behaviour and/or conduct:	

Names of Witnesses

Issues Details (be precise, chronological and use facts. Do not use opinion, beliefs or conclusions)

Basis of Issues (include why you are lodging form, your beliefs, opinions or conclusions)

Other relevant details
What resolution would you like to occur as a result of raising the Issue including any proposed process or outcome?

ACKNOWLEDGEMENT

I understand that: The details I have provided in this form are correct to the best of my knowledge. An Issue is encouraged to be attempted to be resolved at the workplace level before any external agencies are notified or involved although Hydro Tasmania group respects a person's lawful right to do so.

Disciplinary action can be brought against me for making vexatious, false or frivolous claims or claims not made in good faith against another person.

Signature: _____ Date: ___ / ___ / _____

This form and the subsequent process will be treated with the appropriate confidence; however confidentiality is not appropriate or possible in all circumstances