



RESERVE BANK OF AUSTRALIA

Workplace Concerns Handling Procedure

April 2025

D15/82403



Version Control

Version	3.2
Date	April 2025
Document Approver	Chief People Officer
Document Administrator	People Department
Document Control ID	D19/51420
Date Next Review Due	April 2027



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RESERVE BANK OF AUSTRALIA



1. Purpose

The Bank is committed to fostering a respectful, inclusive, and diverse environment, free from discrimination, bullying, and harassment. A positive workplace culture is central to our Open and Dynamic ambition and ensures all staff are treated fairly and with respect throughout their careers.

The Bank also recognises the right of individuals to express concerns about work-related issues and have an appropriate avenue to resolve genuine concerns and complaints in a fair and timely manner.

This Procedure outlines how to raise a concern in relation to a work-related issue and the general principles and process that the Bank will follow where such concern is raised.

This Procedure should be read in conjunction with the *Code of Conduct and Workplace Behaviour Policy*.

1.1. Concerns to which this Procedure applies?

This Procedure applies to concerns about interpersonal conflict or any act, behaviour, omission, situation or decision which a person thinks is unfair and unjust and is work related, unless the concern is about a performance review or unless another policy or procedure applies.

1.2. Who does this Procedure apply to?

This Procedure applies to:

- employees;
- other workers at the RBA including contractors, consultants and agency employees who occupy a position within the organisational structure of the RBA; and
- others such as those with access to information and communication technology systems (ICT Assets) of the RBA, who have been informed they are required to comply with some or all of this Procedure.

2. Principles

2.1. General

All workplace concerns raised will be taken seriously and managed in accordance with the following guiding principles, as far as possible:

- encouraging and facilitating informal resolution, where appropriate
- meeting obligations under relevant laws
- keeping the matter as confidential as possible
- ensuring that an investigation is conducted fairly
- conducting the process quickly and efficiently.

While the approach may vary or be adapted depending on the circumstances, generally internal concerns raised by someone directly engaged by the Bank will be managed in accordance with the process below. For those engaged indirectly (such as through a labour hire provider or other third party), the Bank will consult with the individual's employer in determining the appropriate process to follow.



2.2. Confidentiality

Those dealing with a concern will seek to maintain confidentiality so far as practicable. While all reasonable steps will be taken to preserve a complainant's confidentiality and respect their wishes, due to the Bank's legal obligations and the need to afford everyone involved procedural fairness, the Bank may need to act on a matter even if the complainant does not wish to escalate it.

There may be circumstances where it is not possible to maintain confidentiality regarding the matter. For example:

- it may be necessary in some instances to speak with others about the matters raised in order to investigate the complaint or take action to address the matter;
- in the course of an investigation, it might be possible for others to work out from the investigation process and the information that has been disclosed the likely identity of the discloser/s; or
- the Bank may be required to disclose the identity of relevant people or information that has been disclosed in the investigation process (for example, in court proceedings or to act on work, health and safety risks).

Everyone involved will be advised of the need for confidentiality as far as is reasonably practicable.

2.3. No Victimisation

Victimisation is threatening or disadvantaging someone because they:

- Want to assert their rights under applicable laws (such as anti-discrimination laws)
- Have made, or intend to make, a workplace complaint
- Are helping someone make a complaint, are involved in a complaint process or are a witness to an investigation.

The Bank will not tolerate a staff member being treated less favourably in their employment or engagement because they have made a complaint about inappropriate workplace behaviour in good faith or participated in a Bank investigation.

2.4. Conflict of Interest

It is important that the process used for resolving concerns is fair and transparent. A conflict of interest may arise for a number of reasons, including (but not limited to) where a people leader or investigator:

- has a personal relationship or friendship with one or more of the parties involved
- feels that their personal opinion or belief on an issue prevents them from being impartial
- feels that their previous dealings with one or more of the relevant parties may affect their judgement.

A conflict of interest does not always mean that people leaders or investigators cannot proceed to resolve the concern however steps should be taken to ensure the matter is handled appropriately including by:

- making it clear that there is a conflict that prevents them handling the concern and referring the staff member to the People Department or another supervisor or people leader; or
- making any potential conflicts known to the complainant and investigator and giving them the option of talking to a different person; or



- raising it with the People Department who will determine the appropriate person to deal with it.

2.5. Dishonest and vexatious complaints

Raising a complaint can have serious implications for the other party, personally and professionally. Doing so in bad faith, or without believing the matter to be true, is known as a 'vexatious complaint'. Making a vexatious complaint is a serious matter. You must not raise a concern when you know that it is not true. It is a breach of the Code of Conduct to make a vexatious complaint.

Any person who is found to have raised a malicious, vexatious or dishonest complaint may be subject to disciplinary action, up to and including termination of employment or engagement.

3. What options do you have for raising concerns?

If you have a concern about conduct or behaviour directed toward you, or at someone else, it is important to raise it as soon as possible. There are a number of options available to you which are set out below.

If you are unsure how to handle a situation, you should discuss the matter with your people leader, Head of Department or the People Department.

3.1. Raise the concern directly with the other person concerned

If you feel comfortable addressing the issue with the other person concerned directly, you should do so. If you adopt this approach, you should identify the behaviour, explain that you regard the behaviour as inappropriate, and ask the person to stop this behaviour. It is possible that the other person was unaware that their behaviour troubled you.

3.2. Discuss the concerns with your people leader

Talk to your people leader if you:

- think there is a chance of quickly stopping the problem before it escalates
- want to discuss options and outcomes
- need to protect others in the workplace.

Depending on the nature of your concern, your people leader may need to escalate the concern for investigation.

3.3. Formally raise the concern

If the avenues outlined above are not appropriate or the behaviour continues, you can raise your concerns with:

- your Head of Department
- your relevant Governor or Chief Operating Officer
- the People Department including a People Partner, the Head of Employee Relations or the Chief People Officer; or



- through the FairCall Service at <https://rba.kpmgfaircall.kpmg.com.au/>

The FairCall Service is made available through a specialist independent provider, KPMG. Any concerns raised by this service are reported to the Deputy Governor. Reports to the FairCall Service can be made anonymously, however, the option is also provided for the person to identify themselves and give permission to the provider to pass this information onto the Deputy Governor. The Bank understands and respects the wishes of complainants to remain anonymous. However, the Bank's ability to investigate and satisfactorily resolve an anonymous complaint may be limited depending on the level of information provided in the complaint.

The *Reporting Wrongdoing Policy* also contains details of how to report certain types of concerns arising in a work-related context.

3.4. Support

We recognise that making a complaint or being involved in processes under this Procedure can be difficult.

You may bring an appropriate support person with you to meetings during any part of an investigation process. This includes circumstances where you have raised a complaint or are the subject of a complaint. Any support person must not be involved, or a potential witness, in the matter.

The Bank also provides an Employee Assistance Program (EAP) which is a professional, confidential short-term counselling service for all staff. It is provided free of charge to staff (both in Australia and overseas) and is offered through an independent organisation that has qualified professionals experienced in counselling and workplace consulting. All EAP consultations are strictly confidential. Staff can access the EAP directly by dialling 1300 360 364 (24 hours).

4. What happens in an investigation

An investigation is an impartial fact-finding process which may be undertaken internally by the Bank or by an external third party appointed by the Bank. Where the Bank determines that a concern will be investigated, the following will generally apply:

- you may be asked to set out your concerns in writing and be asked what outcome(s) you are seeking from the process
- an investigator will be appointed
- the allegations will be put to the staff member that is the subject of the complaint, who will be given an opportunity to respond
- the investigator may also interview witnesses who may reasonably be able to assist (on a confidential basis).

All Bank staff are expected to cooperate in any investigation process, which includes attending interviews where requested, providing statements, and providing evidence.

Unreasonable refusal to participate in an investigation or attend an interview may constitute a breach of the Bank's Code of Conduct.

5. Investigation findings

The investigator will make findings based on the available information as to whether it is more likely than not that the alleged conduct occurred or did not occur. This standard of proof is the civil standard known as “the balance of probabilities”. Findings will generally be one of the following:

Substantiated

There is sufficient evidence to determine that the alleged conduct has occurred.

Unsubstantiated

There is:

- a) no evidence to determine that the alleged conduct has occurred, or
- b) evidence that the alleged conduct did not occur

Inconclusive or unable to substantiate

There is insufficient or inconclusive information to make a finding on the alleged misconduct.

Each party will be notified of the findings relevant to them. Parties will not be provided with a copy of any investigation report that is prepared by the investigator.

6. Consequences of a breach and outcomes

After the investigator has made findings, these will be communicated to the decision-maker. The decision maker will consider the findings and decide on appropriate outcomes having regard to factors including:

- the seriousness of the matter
- any prior disciplinary history
- any mitigating circumstances.

Outcomes could involve:

- changing work arrangements such as revising or varying duties, responsibilities or reporting line
- requirement to undertake further training
- disciplinary action which may include counselling, warning (verbal or written), or termination of employment or engagement

These outcomes are intended to provide a guide as to the possible outcomes which may be implemented. In every case, the actual outcomes and/or disciplinary action adopted will be a matter for the Bank’s determination and may involve outcomes not listed above.



7. Procedure Management

7.1. Administration

This Procedure is administered by the People Department.

7.2. Implementation

The Head of Employee Relations is responsible for the implementation of this Procedure.

7.3. Review

This Procedure is reviewed by the People Department at least every two years. All changes to the Procedure must be approved by the Chief People Officer.

8. Resources

8.1. Reserve Bank

Policies

- Code of Conduct
- Workplace Behaviour Policy
- Reporting Wrongdoing Policy