

# Grievance management policy

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# Table of contents

|          |   |    |
|----------|---|----|
| 1.       | Purpose .....   | 3  |
| 2.       | Application.....  | 3  |
| 3.       | Scope .....   | 3  |
| 4.       | Principles.....   | 4  |
| 5.       | Things to consider before lodging a grievance.....                                  | 5  |
| 5.1      | Grievance submitted by a worker, or a representative on behalf of the worker: ..... | 5  |
| 5.2      | Matters for other organisations .....   | 6  |
| 5.3      | Anonymous tip offs.....   | 6  |
| 5.4      | Anonymity and confidentiality .....   | 6  |
| 5.5      | Referral to police or support services.....   | 7  |
| 6.       | How to lodge a grievance .....  | 7  |
| 7.       | Grievance handling process .....  | 7  |
| 7.1      | Lodgement .....   | 8  |
| 7.2      | Acknowledge.....  | 8  |
| 7.3      | Assess .....  | 8  |
| 7.4      | Action - early resolution .....   | 8  |
| 7.5      | Action - investigation where required.....  | 9  |
| 7.6      | Communicate the outcome .....   | 10 |
| 7.7      | Review .....  | 10 |
| 7.8      | Unreasonable conduct .....  | 11 |
| 7.9      | Learn from feedback received .....  | 11 |
| 8.       | Contact information .....   | 12 |
| Annex A: | first response escalation process .....   | 13 |
| Annex B: | grievance lodgement form .....  | 14 |
| Annex C: | grievance process map .....   | 17 |



# 1. Purpose

The Australian Government is committed to protecting and supporting workers under the Pacific Australia Labour Mobility (PALM) scheme.

The domestic operations of the PALM scheme are managed by the Department of Employment and Workplace Relations (DEWR). DEWR works closely with other responsible government agencies including the Department of Foreign Affairs and Trade, Department of Home Affairs, Australian Border Force, and the Fair Work Ombudsman to maintain integrity of the scheme.

The purpose of the grievance management policy is to provide clear information and guidance outlining how the department will manage grievances of PALM scheme workers to ensure that grievances are managed in a way that is fair, accessible, responsive, efficient, and integrated within the PALM scheme's core business.

The PALM scheme Deed of Agreement (Section 36) and Approved Employer Guidelines (Section 9.12) outline the requirements a PALM scheme employer must adhere to in relation to establishing and publicising the existence and details of their feedback system, and how they will manage PALM scheme worker grievances.

For the purpose of this policy, the 'department' will be used to reference DEWR.

## 2. Application

For the purposes of this policy, a grievance can be defined as:

'a complaint or a strong feeling that you have been treated unfairly'<sup>1</sup>

A grievance can be reported to the department by:

1. A PALM scheme worker (including current or past workers), or a representative on behalf of the worker.
2. Any other person e.g., a PALM scheme stakeholder.

## 3. Scope

A grievance process is a best practice approach to deal with conflicts between employees and employers. The grievance management policy sets out the approach for dealing with grievances in the PALM scheme to ensure conflicts are dealt with in a timely and unbiased way, while also ensuring employees feel comfortable to raise issues of concern so that they can be resolved.

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<sup>1</sup> Cambridge Dictionary



The approach outlined in the grievance management policy seeks to achieve solution-based outcomes and advice where an issue has not been resolved between a worker and an employer.

This policy outlines the principles and processes that will guide the management of grievances including:

- things to consider before reporting a grievance
- processes of early intervention to resolve grievances before they escalate
- how to report a grievance
- how the department will manage the grievance, including documented timeframes and communication methods
- referrals to other agencies, where appropriate
- review options available if the person lodging the grievance is not satisfied with the outcome.

Grievances lodged with the department will be acknowledged, assessed, actioned and outcomes communicated in accordance with the principles documented in this policy.

## 4. Principles

The principles in this policy are based on those set out in the [Better Practice Complaint Handling Guide](#) published by the Commonwealth Ombudsman. The department is focused on managing grievances in a confidential and supportive manner, in line with the following principles.

|             |   |
|-------------|---|
| Fair        | Grievances will be dealt with impartially, proportionately (seriousness) and with appropriate empathy. There will be no adverse repercussions for lodging grievances with the department.                                       |
| Accessible  | Information about how to report a grievance is easily available and can be made using a variety of channels, including online, verbally and in writing.   |
| Responsive  | Grievances will be responded to appropriately including extending special assistance to vulnerable people where appropriate.  |
| Efficient   | Grievances are resolved as quickly as possible. The grievance process commits to a respectful, solutions-focused approach.  |
| Transparent | The grievance process aims to ensure involved parties are kept informed of the progress of the matter. Steps, timelines, and outcomes related to grievance management are clearly set out from the commencement of the process. |
| Integrated  | Grievance management is integrated with the department's core business activities so that any lessons or systemic issues can be appropriately reflected in future practice.   |



## 5. Things to consider before lodging a grievance

PALM scheme workers, employers and stakeholders are encouraged to discuss issues early to seek resolution of grievances informally, prior to submitting a formal grievance to the department. The requirements for action and recording grievances are outlined in the PALM scheme deed and guidelines. Workers or a representative acting on behalf of the worker may be referred to the PALM scheme first response escalation process (refer annex A) for information on assistance available to seek a remedy based on the issue.

### 5.1 Grievance submitted by a worker, or a representative on behalf of the worker:

The following should be considered prior to lodging a grievance:

- Has there been an attempt to resolve the issue/s or concern/s informally or directly with the person/s involved?
- Has the employer or their appointed welfare and wellbeing support person been given an opportunity to resolve the issue prior to a grievance being lodged with the department, in accordance with the PALM first response escalation process?
- Would the assistance of a foreign government representative such as a labour attaché or country liaison officer assist in seeking a resolution or with the submission process?
- Where a grievance is being reported on behalf of a worker, has appropriate consent been obtained to act on the worker's behalf?

If you are submitting a grievance on behalf of a worker, you should also consider:

- Is it appropriate or safe for the worker involved to discuss directly with the employer involved?
- Is there an avenue for you to support the worker in question to be directly involved in the grievance process, including direct lodgement?
- Is the individual/s in question available to be contacted directly?
- Can the claims be verified?
- Can documented evidence be provided to support the claims, including photos and other media?
- Do you have relevant consent to disclose personal information of others?

Before lodging a grievance, it is important to provide as much information as possible. Where the department is not provided adequate detail and evidence to support the concerns raised, a finalised outcome may not be possible.



## 5.2 Matters for other organisations

If a grievance relates to a matter that another organisation or government agency is better placed to investigate or support, the department will direct the grievance to the relevant organisation such as a service provider, state or territory agency or regulator, or federal government agency. The referral of these grievances to external agencies or organisations will be managed in accordance with the *Privacy Act 1988*, including seeking appropriate permissions to share personal information.

Where a grievance involves matters that relate to suspicious or illegal immigration or visa issues the issue should be submitted to Border Watch online. Grievances that involve matters that may relate to criminal activity should be submitted to local law enforcement. Notifications that include potential breaches of work health and safety (WHS) law or involve requests for worker compensation may be referred to relevant WHS regulators through Safe Work Australia. The Fair Work Ombudsman may also be a referral point for advice and investigations into workplace rights, or where there is evidence of award breaches.

The department will continue to liaise directly with the referral agency to remain informed of the investigation and any potential next steps required.

## 5.3 Anonymous tip offs

The wellbeing of workers is at the heart of the department's approach to the PALM scheme and the department strongly encourages all issues to be reported.

Anonymous submissions will be accepted however action and investigation of concerns will require the lodging person to provide adequate details of the issue, including any names of workers or employers, and relevant supporting evidence.

The department strongly encourages that individuals providing an anonymous tip off address the issues in a constructive manner and have attempted to raise the issue with the employer or involved individuals directly, if appropriate, to allow for the greatest opportunity to seek resolution.

## 5.4 Anonymity and confidentiality

If a person does not feel comfortable raising their concerns for fear of reprisal, they may choose not to disclose their identity.

The department takes very seriously any adverse actions or impacts for workers who lodge a grievance in accordance with relevant protections under Australian whistleblower legislation, [Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019](#).

## 5.5 Referral to police or support services

If the grievance raised poses significant harm to one or more individuals or an allegation of criminal conduct, the matter will be referred to the police or other appropriate authority, having regard to privacy considerations and confidentiality requirements. The person lodging the grievance may also be encouraged to report to these agencies.

If the worker is feeling distressed, it may be appropriate to advise of support services available (section 8).

## 6. How to lodge a grievance

The preferred approach is for grievances to be lodged using the grievance lodgment form at Annex B, as this form helps to capture relevant information to assist with the initial assessment of concerns. Grievances can also be otherwise lodged in writing or verbally through the following means:

Email: ([palm@dewr.gov.au](mailto:palm@dewr.gov.au))

Call: 1800 51 51 31

Where a grievance has been lodged verbally and there is uncertainty about the situation, or if the grievance raises complex or serious matters, the department may encourage the grievance to be submitted in writing. This will assist the department to thoroughly investigate the grievance.

## 7. Grievance handling process



The department recognises that grievances will vary widely in nature and content. Grievances will be managed on a case-by-case basis in line with the principles and processes detailed in this document. Workers will be provided with a process map (annex C). Grievances received will be triaged prior to formal acknowledgement with any that pose a threat of mental or physical harm given priority and escalated outside of standard processing times.

Both the PALM scheme deed (section C1.4 36) as well as the guidelines (9.12) stipulate the obligations of employers regarding handling grievances.



## 7.1 Lodgement

Grievance notification received from worker or representative acting on behalf of a worker (union representative, foreign official, community representative etc).

## 7.2 Acknowledge

The department will:

- Acknowledge the grievance **within 3 working days**.
- Explain the standard grievance process.
- Provide the grievance timeline.
- Provide contact details for queries.

The department will attempt to acknowledge the grievance in writing. Acknowledgement of grievances may occur by phone where the person specifically requests not to receive written correspondence.

The department will expedite grievances received where there appears to be a high risk to safety of workers or where the situation involves potential criminal conduct, including referrals to other agencies as per sections 5.2 and 5.5.

## 7.3 Assess

Grievances will be triaged for assessment and where relevant, referral to another agency better placed to address the grievance.

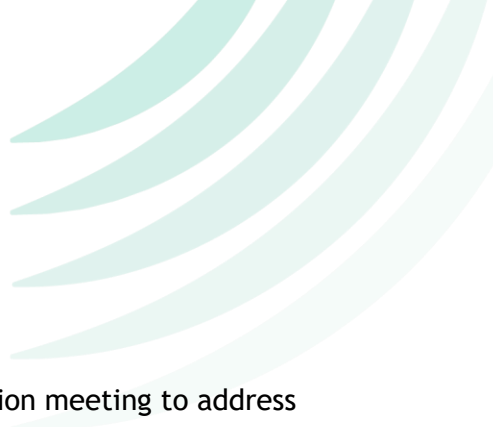
Where a grievance is low risk/sensitivity and has not yet been raised through an informal resolution process, the department may advise the person lodging the grievance to contact the employer first to attempt to resolve, giving them the opportunity to resolve the issue informally. Where this results in a successful outcome, the department may conclude the grievance process, however the worker or representative acting on behalf of the worker will be able to resubmit the grievance where a successful resolution is not maintained.

If a real or apparent **conflict of interest** exists in relation to a particular PALM scheme staff member being involved in the assessment of the grievance, it will be referred to another staff member or team.

## 7.4 Action - early resolution

Early resolution meeting





The department may seek to convene and facilitate an early resolution meeting to address a grievance.

The department will endeavor to arrange an early resolution meeting **within 10 working days of the grievance being acknowledged by the department.**

The grievance early resolution meeting may include the following participants:

- departmental representative
- PALM scheme employer representative
- PALM scheme worker and/or a nominated representative
- PALM scheme sending country government representative (if requested by the worker).

While the department encourages PALM scheme workers to participate directly in an early resolution meeting with their employer, it is recognised that a worker may not feel comfortable in some circumstances to do so. A worker is able to nominate another person to represent them at a meeting. If there are multiple workers who have lodged the grievance, the workers may identify a single representative to act on their behalf or take part in the meeting as a group.

The department will endeavour to create a safe and secure environment for all parties involved in the early resolution process.

The department may recommend actions to be taken by participants to resolve the grievance.

The department will aim for a resolution to a grievance that is not referred to other bodies **within 20 working days of the grievance being acknowledged by the department.**

### **7.5 Action - investigation where required**

If the grievance cannot be resolved through the early resolution approach, the matter will be passed on for assessment and investigation. A certain level of evidence may be required to escalate to formal investigation however the department will assess grievances based on the balance of probabilities.

The purpose of an investigation is to try to resolve the grievance by reaching a fair and independent decision on the established facts and the actions to be taken by involved parties to rectify the issues. Factual evidence will be sought as part of the investigation process and options considered for grievance resolution.

An investigation plan may be required with the following considerations:

- what needs to be investigated

- the steps required in the investigation
- what information or evidence will be required and how it may be obtained
- the remedy sought and whether the expectation is realistic or needs to be managed
- any special considerations that apply to the grievance
- estimated timeframe for completion.

If the investigation will be lengthy, the department will provide an update to the person lodging the grievance on the revised timeline for an outcome and response.

## 7.6 Communicate the outcome

### Potential outcomes (or actions resulting) of an early resolution meeting

- An employer may be required to take actions, for example rectifying an issue or providing the worker with additional information.
- The worker may be required to take actions.
- If certain criteria are met, the department may recommend that the worker be redeployed to another employer.
- If the submitted grievance results in an investigation (section 7.5), the department can take actions in accordance with the guidelines, chapter 14 - scheme assurance.

The department will contact the parties to confirm actions from an early resolution meeting are/have been enacted. The grievance will be finalised and all parties informed in line with privacy and confidentiality laws.

Wherever possible the grievance outcome will be provided to the worker directly. For third-party submissions, permission will be sought to share information from the worker.


Communication of the outcome will be clear and informative and in line with privacy and confidentiality requirements. There may be limitations on the extent of the information that can be provided in a response, for example, to protect personal privacy.

Where appropriate the communication of the outcome will be made in writing. The department will ensure it responds to grievances in a manner that is accessible and easy to understand taking into consideration any communication requirements including, translation requirements, cultural preferences, and any reasonable requests that the worker may have.

## 7.7 Review

If the worker who lodged the grievance is not happy with the resolution, outcome, remedy, or advice, they may request a review by:

- getting in touch with the grievance contact officer
- emailing ([palm@dewr.gov.au](mailto:palm@dewr.gov.au)).



If the worker who lodged the grievance is still not satisfied, they may pursue an independent review by the Commonwealth Ombudsman. Further information is at <https://www.ombudsman.gov.au/how-to-make-a-complaint>.

## 7.8 Unreasonable conduct

Where the department considers that a PALM scheme worker or a representative acting on behalf of a worker is engaging in unreasonable conduct, the matter will be managed in accordance with the PALM unreasonable conduct policy.

Unreasonable conduct may include:

- persistently asking for solutions which are unreasonable, disproportionate, or not possible
- insisting on speaking to the head of the department
- seeking to direct the department on how to handle feedback and grievances
- aggressive language or behaviour.

## 7.9 Learn from feedback received

Insights identified through the grievance resolution process may be used to continuously improve PALM scheme systems and processes to optimise high-quality program delivery. This may include sharing de-identified issues and resolutions with stakeholders to support capacity building.

The department will review this policy on an annual basis in consultation with relevant stakeholders.

## 8. Contact information

### PALM scheme

PALM scheme support service line 1800 51 51 31 - 8:30 am to 6:30 pm (AEST), Mon-Fri

PALM scheme support service email ([palm@dewr.gov.au](mailto:palm@dewr.gov.au))

### Wellbeing support services

Lifeline 13 11 14

Beyond Blue 1300 224 636

Health Direct 1800 022 222

### Useful agency contacts

Country liaison officers <https://www.palmscheme.gov.au/contact>

[Fair Work Ombudsman](#)  
[Contact us - Fair Work Ombudsman](#)  
[FWO anonymous report](#)  
[Workplace relations in Australia presentation package](#)  
13 13 94 - Information line 8:00 am to 5:30 pm Monday to Friday (excluding public holidays)  
13 14 50 - If you need an interpreter

[Fair Work Commission](#) <https://www.fwc.gov.au/>

[Australian Human Rights Commission](#) <https://humanrights.gov.au/our-work/employers/quick-guide-australian-discrimination-laws>

Department of Home Affairs [Border Watch Online Report](#)

Safe Work Australia [WHS regulators and workers' compensation authorities contact information | Safe Work Australia](#)

### Useful links

[PALM scheme website](#)

[PALM scheme Approved Employer Guidelines](#)

[PALM scheme Deed of Agreement](#)

[Worker Support for PALM scheme](#)

# Annex A: first response escalation process

## FIRST RESPONSE ESCALATION PROCESS

This document outlines the roles and responsibilities for all stakeholders involved in supporting the community of care for workers on the Pacific Australia Labour Mobility (PALM) scheme. It is essential that all stakeholders follow the process below when responding to issues and incidents to ensure they are dealt with effectively and in a timely manner.

**IN AN EMERGENCY CALL 000**

| LOW RISK<br>LEVEL 1 – GENERAL ISSUES  |   | MEDIUM RISK<br>LEVEL 2 – REPORTABLE ISSUES   |  | HIGH RISK<br>LEVEL 3 – CRITICAL INCIDENTS  |  |
|---|---|--|--|--|--|
| <p><b>Timeframes:</b> must act as soon as practically possible (resolution within 28 days). Minor medical concerns require immediate first aid/referral to medical professional.</p> <p>Includes minor issues resolved without DEWR or other party consultation or assistance.</p>  |   | <p><b>Timeframes:</b> must act and notify within 3 days. Includes significant issues requiring DEWR oversight.</p> <p>Consultation with CLO/labour attaché, LSU, FWO and Department of Home Affairs may be required.</p>   |  | <p><b>Timeframes:</b> must act, notify immediately (no longer than 24 hrs).</p> <p>Urgent/serious issues. DEWR intervention and additional oversight from CLO/labour attaché, LSU, HOM partners may be required.</p>   |  |
| <p><b>Examples of level 1 issues:</b></p> <ul style="list-style-type: none"> <li>• minor employer issues</li> <li>• payslips</li> <li>• minor conflict with a supervisor</li> <li>• money transfer queries</li> <li>• non-urgent visa queries</li> <li>• health insurance queries</li> <li>• general welfare issues</li> <li>• minor medical concerns</li> <li>• minor issues with accommodation</li> <li>• minor conflict at accommodation sites.</li> </ul> |   | <p><b>Examples of level 2 issues:</b></p> <ul style="list-style-type: none"> <li>• unresolved level 1 issues</li> <li>• end of employment</li> <li>• worker exiting PALM scheme</li> <li>• repatriations</li> <li>• worker disengagement</li> <li>• urgent visa queries (risk to worker imminent)</li> <li>• worker redeployment or reassignment</li> <li>• HR process pending (performance, conduct)</li> <li>• workplace dispute/serious allegation workplace injury resulting in time off work or WorkCover claim</li> <li>• non-life-threatening hospitalisation</li> <li>• medical issue resulting in prolonged period off work</li> <li>• minimum hours per week not met</li> <li>• major accommodation issue (risk of homelessness).</li> </ul> |  | <p><b>Examples of level 3 issues:</b></p> <ul style="list-style-type: none"> <li>• death of worker</li> <li>• serious or significant injury or illness of a worker</li> <li>• worker admitted to hospital in life-threatening condition</li> <li>• worker arrested and or involved in a criminal offence (alleged perpetrator or victim)</li> <li>• domestic violence incident involving a worker, either as a victim or perpetrator</li> <li>• significant industrial action involving a <u>large number of</u> workers.</li> </ul> |  |
| PALM SCHEME EMPLOYER  | ALL OTHER STAKEHOLDERS  | PALM SCHEME EMPLOYER   | ALL OTHER STAKEHOLDERS   | PALM SCHEME EMPLOYER   | ALL OTHER STAKEHOLDERS   |
| <ol style="list-style-type: none"> <li>1. Employer to analyse the issue.</li> <li>2. Employer to find a remedy.</li> <li>3. Employer to ensure resolution has taken place.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Contact the employer during business hours.</li> <li>2. If unresolved, escalate via level 2.</li> </ol> | <ol style="list-style-type: none"> <li>1. Employer addresses and resolves matter with workers.</li> <li>2. Employer to inform, seek support from CLO/LSU if matter unresolved.</li> <li>3. Employer to engage with DEWR/other stakeholders as per deed requirements.</li> <li>4. Employer to ensure resolution has taken place.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Report to employer (during business hours) and/or call the PALM scheme support service line on 1800 51 51 31.</li> <li>2. If issue remains unresolved, submit grievance referral form in line with grievance management policy.</li> </ol> | <ol style="list-style-type: none"> <li>1. Employer to report incident to DEWR.</li> <li>2. Employer to engage with DEWR/other relevant stakeholders to identify actions to take.</li> <li>3. Employer to ensure resolution has taken place.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Report to employer and/or call the PALM scheme support service line (1800 51 51 31) as soon as practically possible, within 24 hours.</li> </ol> |



ACRONYMS: CLO: country liaison officer, DEWR: Department of Employment and Workplace Relations, FWO: Fair Work Ombudsman, HOM: head of mission, LSU: labour sending unit.  
 PALM scheme support service line: 1800 51 51 31, email: (palm@dewr.gov.au).



## Annex B: grievance lodgement form

This form is to be completed by the worker or a third party on behalf the worker to lodge a grievance in relation to the Pacific Australia Labour Mobility (PALM) scheme. Once you have completed the form, please email to ([palm@dewr.gov.au](mailto:palm@dewr.gov.au)).

Grievances can also be submitted by calling the support service line on 1800 51 51 31. Please note this line is monitored 8:30 am - 6:30 pm (AEST), Monday to Friday. Calls made outside of these hours should be for critical incidents only.

### Privacy statement and consent form

Personal information collected by the Department of Employment and Workplace Relations (department) is protected by law, including under the *Privacy Act 1988* (Privacy Act). Personal information is information or an opinion about an identifiable individual. Personal information includes an individual's name and contact details.

Collection of your personal information is for the purposes of enabling the department to accurately assess and manage the grievance process. If you do not provide some, or all the personal information requested, the department may be unable to accurately assess your grievance, and therefore may not be able to continue with this process.

Your personal information may be shared with other government agencies and participating countries. Your personal information may also be disclosed to other parties where you have agreed, or where it is otherwise permitted under the Privacy Act.

The department's privacy policy, including information about how to make a complaint and seek access to or correction of your personal information, can be found at <https://www.dewr.gov.au/privacy> or by requesting a copy from the department at ([privacy@dewr.gov.au](mailto:privacy@dewr.gov.au)). To contact the department about your personal information email ([privacy@dewr.gov.au](mailto:privacy@dewr.gov.au)).

### Collection of sensitive information

Sensitive information is a subset of personal information. It includes information or an opinion about your racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, membership of associations or unions, sexual orientation or practices, criminal record, and health, genetic or biometric information.

We need your consent to collect your sensitive information unless the collection is otherwise permitted under the Privacy Act. You do not have to consent to the collection of your sensitive information. If you do consent, you can withdraw your consent at any time.

### Overseas disclosure of personal information

We need your consent to disclose your personal information to overseas recipients unless otherwise permitted under the Privacy Act. You do not have to consent to the disclosure of your personal information to overseas recipients. If you do consent, you can withdraw your consent at any time.

If you consent to the disclosure of your personal information to overseas recipients, the department will not be required to take reasonable steps to ensure that the overseas recipients do not breach the Privacy Act.

By ticking this box and submitting this form, I confirm that I have read and understood this privacy statement and consent form.



- By ticking this box and submitting this form, I confirm that I agree to the collection of my sensitive information in accordance with this privacy statement and consent form.
- By ticking this box and submitting this form, I confirm that I agree to the disclosure of my personal information in accordance with this privacy statement and consent form to overseas recipients.
- By ticking this box and submitting this form, I confirm that I have the consent of any third parties to the inclusion of personal information about them and have made them aware of this privacy statement and consent form.

Name:

Date:

|   |  |
|---|--|
|   |  |
| Has there been an attempt to resolve the issue/s or concern/s with the employer (if applicable)?  | <p>YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p>Please provide details:</p>                                |
| <b>Worker details</b>   |  |
| Name of worker:   |  |
| Nationality of worker:  |  |
| Worker contact details:   |  |
| Employer name, including host site if applicable:   |  |
| Details of other workers related to this grievance (if applicable), including names, contact details and nationality:   |  |
| <b>Details of grievance</b>   |  |
| Please provide a summary of the grievance. Summary should include as much information as possible, including: work location, workers involved and dates of event/s: |  |
| Can you provide evidence to support the grievance?  | <p>YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p>If yes, please provide relevant evidence - for example</p> |



|   |  |
|---|--|
|   | payslips, emails, photographs or other media<br>If no, please provide details:   |
| Are there any person/s in any immediate danger?   | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If yes, have you reported it to the police or other appropriate authority?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If yes, please provide details below.</p> |
| Have you raised the issue with anyone else (for example union representative, country liaison officer)?                                   | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If yes, please provide details:</p>   |
| Do you consent to the Department of Employment and Workplace Relations disclosing your name and details of the grievance to the employer? | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>  |

| Details of person reporting the grievance  |  |
|--|--|
| Name:  |  |
| Organisation (if applicable):  |  |
| Phone number:  |  |
| Email address:   |  |
| Best time to contact:  |  |
| <b>If lodging on behalf of a worker:</b>   |  |
| What is the relationship between the person lodging this grievance and the worker? |  |
| Do you have consent to act on behalf of the worker?                                |  |
| <b>If form is completed by a departmental officer:</b>                             |  |
| Name of departmental officer:  |  |



# Annex C: grievance process map

