

# Complaints and Protection of Whistleblowers

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## 1. Purpose

In keeping with the vision, mission, and values of Mercy Ships Australia (MSA), we are committed to receiving complaints or concerns from anyone, especially those most vulnerable. We provide ways to make a complaint that are safe, accessible, and publicised. This policy seeks to make clear the mechanisms available for making complaints and the way in which complaints will be handled and resolved. MSA handles complaints fairly, efficiently, and effectively.

We are committed to handling complaints in line with our guiding principles, that include transparency, responsiveness, and confidentiality.

This policy applies to all members of the personnel of MSA engaged either full-time or part-time, whether as corporate officers, managers, employees, volunteers, or contractors, including those serving as officers and crew members on board the ships operated by the organisation (hereafter referred to as 'personnel' in the plural, and 'member of personnel' in the singular) and all members of the public.

Complaints can be made by individuals or organisations in relation to any aspects of our work including international development work, humanitarian responses, advocacy work and community engagement activities in schools and parishes, as well as in our workplace and other settings. Complaints assist us to identify, address and report on any fraudulent, illegal, or unethical conduct (including any sexual exploitation, abuse, or harassment) in any of the work we support.

This policy is aligned to our Code of Conduct and Complaints Handling Policy and meets our legal and regulatory obligations.

## 2. This policy applies to

This policy applies to anyone who makes a complaint, regardless of who they are or how the complaint is made, including:

- People inside the organisation
- People outside the organisation
- Our program partners and participants
- Others who wish to make a complaint or report

This policy covers three main categories of complaints:

- General complaints
- Sensitive complaints
- Whistleblower complaints

## 3. Implementation

It may include but is not limited to the following:

- concern about the behaviour of staff, volunteers, Board members, suppliers, partners or others acting on MSA’s behalf;
- criticism about a fundraising campaign or action;
- concern over inappropriate use of funding;
- any breach of the ACFID Code of Conduct;
- organisational practices, policies, or procedures; or
- complaints about MSA supported development programs and/or operations of partners.

A complainant is any person or organisation making a complaint.

## 4. Making and receiving a complaint

How can a complaint be made?

MSA welcomes feedback from our stakeholders, and we take complaints very seriously. All stakeholders should be clear on how to raise a complaint with the organisation.

MSA’s Complaints Policy is published on the MSA website and highlights the following central points for all complaints:

To make a verbal complaint contact our Human resources Team on 1300 739 899

Written complaints can be sent to the e-mail address: [confidential@mercyships.org.au](mailto:confidential@mercyships.org.au)

Complaints can also be made in person or mailed to our address –

- Post: PO Box 1080, Caloundra Qld 4551, Australia
- Office: 4/24 Bulcock Street, Caloundra Qld 4551, Australia
- Office: 2/236 Old Cleveland Road, Coorparoo Qld 4151, Australia
- Website: [mercyships.org.au](http://mercyships.org.au)

Complaints regarding suspected breaches of the ACFID Code of Conduct can be made to the ACFID Code of Conduct Committee. Information on how to make a complaint can be found on the ACFID website: <https://acfid.asn.au/content/complaints>

To ensure no disadvantages or barriers to making a complaint, where necessary, language interpreters may be engaged to help establish the nature of the complaint.

## 5. Definitions

We, us, our	Mercy Ships Australia (MSA)
You, your	Readers of this policy
Complaint	Any grievance, suspicion, allegation, concern or report about an incident or someone’s behaviour. Complaints include general complaints, sensitive complaints, or Whistleblower complaints.
General complaint	A complaint from anyone who has observed, heard about, or been directly affected by the actions of MSA or our partners, or who believes that MSA or its partners have failed to meet a specific commitment or obligation.
Sensitive complaint	A complaint that needs to be treated urgently and confidentially by senior employees within the organisation. A sensitive complaint can be made by anyone who has observed, heard about, or been directly affected by the actions of MSA or its program partners. Sensitive

	complaints may include bullying and harassment between employees, or unlawful discrimination.
Whistleblower complaint	A complaint about wrongdoing such as fraud, corruption, abuse, misuse of resources, risk to health and safety etc. This may also be a sensitive complaint.
Mandatory reporting	The obligation of certain professional groups and community members to report incidents of abuse. At MSA, it is mandatory to report any concerns, suspicions or alleged incidents of child abuse or exploitation and/or any sexual exploitation, abuse, or harassment in line with our PSEAH and Child Protection policies. It is also mandatory to report fraud.
Personnel	Any person doing paid or unpaid work for, or on behalf, of MSA including Australian-based employees, in-country employees, Board of Directors, Directors, volunteers, contractors, sub-contractors, and consultants.
Program partners	Individuals or organisations that MSA works with, accompanies, and supports to deliver humanitarian and development programs or activities.
Reporter	A person who makes a complaint.
Whistleblower	A special type of reporter who is linked (directly or indirectly) to the organisation who reports a whistleblower complaint. Under Australian law, a whistleblower may be entitled to extra protection.

## 6. Guiding Principles

While every complaint is different, we consistently use these principles:

### 6.1 Responsiveness

We will promptly let you that we have received your complaint. We will respond to complaints according to how urgent or serious they are. If somebody's safety or security is at risk, we will respond immediately and will escalate appropriately. We are committed to managing your expectations, and will inform you, as soon as possible, of the following:

- What will happen (the complaints process)
- When it will happen (the expected timeframes for our actions)
- How it is progressing (whether an investigation may take place, reasons for any delays and how you may be involved)

If we cannot deal with any part of your complaint, we will tell you (and if possible, we will advise you what you can do instead). If the complaint is about something that is not within the scope of our organisation, it will be referred to the relevant party (see section 5.3).

### 6.2 Accessibility

We promote safe and dignified ways of making a complaint.

We can be contacted in multiple ways, and we will let you know how. It doesn't cost any money to make a complaint. We work with our in-country employees and program partners to develop ways to make complaints that are safe, easily accessible, while being mindful of local contexts, culture and language (including low literacy).

### 6.3 People-focused and victim/survivor-centred

We put people first.

We understand that making complaints can be difficult. We commit to a “do no harm” approach to our work. We prioritise the safety, rights, needs, and wishes of all people whilst ensuring procedural fairness to all parties. We especially recognise the needs of those who are vulnerable or may be victims/survivors of harm.

We will provide you with information about how we handle complaints. We will: treat you with dignity and respect; actively involve you in decision making; provide you with comprehensive information; protect privacy and confidentiality; and where required assist you to access other support services including health or psychological services and address any immediate protection assistance and or rehabilitation.

### 6.4 Confidentiality

We know people may feel safer to report a complaint if they know it will be treated confidentially. This means your identity (your name and other details) will not be shared, where possible and appropriate. It is also possible to make an anonymous complaint.

Sometimes we need to share some information with other people. Confidentiality means we share with the minimum number of people, and only with people who need to know ('need-to-know' basis).

### 6.5 Impartiality

Each complaint will be handled with integrity and without bias. We follow procedural fairness which means that all parties, including the respondent, are treated in a dignified way.

We will ensure that the person handling a complaint is different from any employee who is being complained about.

### 6.6 Zero tolerance of retaliation or punishment

We will take all reasonable steps to make sure that people making complaints are not negatively affected because a complaint has been made by them. In the case of someone making a complaint on your behalf (for example, a family member speaking up instead of you), we will do our best to ensure that you, and that person, are not affected.

### 6.7 Continuous improvement

We learn from complaints and concerns. We strive to prevent it happening again. By analysing complaints, we can identify where we can improve our programs, policies, or service delivery. Trends and problems that require action can also be highlighted.

## 7. Policy Commitments

### 7.1. Protection from Retaliation or other Harm

MSA shall protect each and every member of personnel from any form of harassment, retaliation, retribution, or adverse employment consequences as a result of that person:

- Reporting a concern or a complaint about a possible or actual violation of MSA Standards; or
- Cooperating with or participating in an internal inquiry conducted by the organisation; or
- Engaging in any Protected Activities

## 7.2. Responsibility And Right To Report

Every member of personnel of MSA is responsible to report a suspected violation of MSAS Standards in accordance with the instruction for Reporting a Concern for Compliance. Such reports may be made either verbally or in writing to the member's manager, to any senior manager or executive officer, or directly to the Risk and Compliance Officer.

Managers are required to report suspected ethical or legal violations in writing to the Risk and Compliance Officer. Any person with concerns or complaints about ethical or legal violations may also submit their concerns in writing directly to the Chief Executive Officer or to any Director of the Board of Mercy Ships.

While MSA prefers to receive such reports internally in order to respond in the most timely and effective manner, the organisation recognises the right of each and every member of personnel to report to a responsible external agency that is duly charged by established law to govern, regulate or monitor the particular business activity of concern.

## 7.3. Response Of MSA to Reports Received

MSA responds to all reports of concern about a possible or actual violation of MSA Standards. The Risk and Compliance Officer ensures that the response of the organisation follows the documented procedures of the organisation and any applicable laws and regulations. Complaints about possible unethical or illegal conduct are addressed with an internal inquiry by trained personnel.

The Risk and Compliance Officer advises the Chief Operating Officer and Chief Executive Officer of all reports of concerns received and of their resolution. In the case of a report of concern about accounting or alleged financial improprieties, the Risk and Compliance Officer also notifies the Chair of the Finance and Audit Committee of the Board of Mercy Ships International.

The Board of MSA is informed at least annually of the numbers and types of reports received, and the response to each report.

## 7.4. Confidentiality

MSA as an organisation, and each individual involved in making, receiving, or responding to a report of concern about a possible or actual violation of MSA Standards, shall use all reasonable efforts to protect the identity of the Reporter. The information relevant to the reported concern, including the identity of the Reporter, is treated as confidential information in accordance with established corporate policy, and as such will only be shared with those who need to know that information in order to perform their duties under this or any related policy, law or regulation.

## 7.5. Acting In Good Faith

Any member of personnel reporting a possible or actual violation of MSA Standards is presumed to be acting in good faith and to have a reasonable ground for believing that the information disclosed indicates a violation of MSA Standards. Any allegations that prove to be unsubstantiated and which also prove to have been made maliciously or with the knowledge that they were false will be viewed as a serious disciplinary offense.

## 7.6. Retention Of Records

MSA shall retain a record of any reports received in accordance with this policy, and of the response of the organisation to each report, for a period of seven years, except in the case an internal discipline is applied to one or more of the parties, or a legal proceeding result from such a report or

response, in which case the record will be kept indefinitely. All records kept in accordance with this policy shall be secured against unauthorised access and protected by reasonable and ordinary means against deterioration, loss, or destruction.

## 7.7 Types of Complaints

7.7.1 A general complaint includes but is not limited to:

- Funding and program decisions
- Program implementation
- Fundraising and Supporter Services
- Conflict of Interest issues
- Employment issues including complaints or concerns about:
  - Safety or security within the work environment
  - Unethical behaviour associated with organisation changes
  - Unfair or unjust employment conditions

We support a culture of speaking up. If you have a complaint about employment issues, you should first speak with your manager and refer to the Staff Handbook. If you feel your complaint is not being heard, it is appropriate to escalate it in line with this policy.

7.7.2 A sensitive complaint includes but is not limited to:

- Corruption
- Theft
- Fraud
- Misuse of funds
- Exploitation
- Abuse
- Harassment
- Bullying
- Discrimination
- Misconduct negligence
- Matters raised under MSA Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy and Child Protection policies
- Any other abusive or inappropriate behaviour by our personnel, partners or those involved in our work in-country
- Bullying, harassment, or discrimination between personnel

7.7.3 A whistleblower complaint is defined as

A person who makes such a complaint is known as a whistleblower. Whistleblowers have extra protection under Australian law if they:

- a) Are connected to MSA in a certain way (be an 'eligible whistleblower')
- b) Tell the right person (an 'eligible recipient') and
- c) Make a certain type of complaint (a 'disclosable matter')

If you suspect something is wrong, even if it is not illegal, it is your responsibility to report it.

## 7.8 Assigning complaints

7.8.1 Where appropriate, general complaints are referred to the local level to be investigated and resolved. Where this is not possible (because the complaint is sensitive, because there isn't enough

capacity or expertise at the local level, or because the allegation involves senior personnel), the matter will be referred to a more senior person in the organisation.

7.8.2 Sensitive complaints (including fraud, sexual exploitation, abuse and harassment and child protection matters) are always referred to [confidential@Mercyships.org.au](mailto:confidential@Mercyships.org.au). Sensitive complaints will be managed and investigated by senior personnel.

7.8.3 Complaints will be assigned to an appropriate person who is impartial with the authority to take action where necessary. For example, where a complaint involves the CEO, it will be directed to the Chair of the Board.

## 7.9 Referring complaints to other organisations

7.9.1 Complaints that are made about another organisation and/or their personnel will be referred to that organisation. It is the responsibility of that organisation to resolve it under their own complaints handling mechanism.

7.9.2 We will abide by all mandatory reporting requirements.

7.9.3 Regarding complaints with criminal aspects (including alleged incidents of fraud, sexual exploitation, abuse, and harassment), we take the view that these should also be reported. We will consider whether it is safe to do so and take into consideration the wishes of the victims/survivors and whistleblowers.

7.9.4 In addition to abiding by mandatory reporting requirements, any complaint that involves allegations or suspicions of abuse of a child or adult by an Australian Bishop or leader of an

## 7.10 Managing complaints

7.10.1 All complaints will be recorded. We will treat reporters respectfully and will inform them within 2 working days that we have received their complaint.

7.10.2 If the complaint involves child protection matters, we will use the Complaint Handling Procedure.

7.10.3 When we receive a complaint, MSA will respond to the complaint in line with this policy and any relevant standards and legislation.

7.10.4 Complaints are taken seriously and will be handled as quickly as practical. We will aim to resolve complaints within 30 days. If a complaint is not resolved within 30 days, we will let the reporter know and continue to keep them informed.

7.10.5 We will inform reporters of the outcome (subject to legal and regulatory requirements or guidance) as soon as possible.

7.10.6 We address complaints in a fair, equitable, objective, and unbiased manner. Any issues of conflict of interest will be managed in accordance with MSA Conflict of Interest Policy.

7.10.7 Where this policy conflicts with legislation, MSA will comply with legislative obligations.

7.10.8 If complaints relate to program partners and/or their personnel in the countries where we work, MSA will work with the partner to address the complaint in line with cultural, social, program and local contexts.

7.10.9 We work with our partners to ensure it is easy for people to make a complaint. Our partners are responsible for handling complaints in line with cultural, social, program and local contexts. This forms part of our accompaniment and capacity building initiatives in accordance with the Child Protection and Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy.

## 7.11 Maintaining your anonymity

7.11.1 Complaints can be made anonymously. In those cases, while we may not be able to respond directly to the reporter, we may be able to use the complaint to alert us to matters that need to be investigated and/or referred to authorities.

7.11.2 Where practical and appropriate, we will protect the identity of reporters. Personal information that identifies individuals will only be disclosed when required by law. When required for purposes of the investigation or other related purposes, all reasonable efforts will be taken to de-identify information that is not required for the purpose of the disclosure. In some instances, it may not be possible for an investigation to progress if the existence of the report cannot be disclosed and a statement by the individual cannot be provided as evidence.

7.11.3 We understand that some complaints need to be kept confidential in order to protect those making or involved in the complaint. However, in some instances we might judge that the reporter will be better served if others are involved in the resolution of a complaint. Third parties will only be included in the resolution of confidential complaints on a case-by-case basis and with the agreement of the reporter.

7.11.4 We will reduce the risk that a reporter will be identified by, for example, removing identifying information about them, using gender-neutral language, limiting access to information on a 'need-to-know' basis and engaging qualified employees to handle the complaint.

## 7.12 Investigating complaints

We will communicate transparently how we will investigate the complaint.

## 7.13 Ensuring fair treatment

We will handle complaints confidentially where it is practical and appropriate. The investigation will be impartial and fair for all involved (including the reporter and the respondent).

Respondents will be provided with support throughout the process and may also access external counselling services.

If you are the respondent, you will be told what the complaint is about (the subject matter) to enable you to respond appropriately. Where relevant you will have an opportunity to provide additional information and name other sources who may verify this information.

## 7.14 Outcome of Complaints

If a complaint is upheld, the matter will be referred for appropriate disciplinary processes. In the case of vexatious complaints made by a MSA employee, they will be referred for appropriate disciplinary action.

## 7.15 Communicating outcomes of complaints

We will ensure that the reporter and the respondent are informed of the outcome of the complaint. Other personnel will be informed of the outcome as required based on a need-to-know basis depending on the nature of the complaint.

During this process, we will continue to respect the confidentiality of persons involved where appropriate. We will take all required remedial action as indicated by the investigation. Where needed, we will counsel personnel and undertake disciplinary action. In keeping with confidentiality and privacy requirements, we will consult with relevant bodies for advice.

#### 7.16 Socialising this policy and providing training

The Speaking Up Policy is distributed to all MSA personnel, partners, and all others acting on our behalf. During induction programs and refresher trainings, we ensure they are familiar with this policy.

The Complaints Focal Point (and other personnel involved, directly and indirectly, in complaint handling) are fully trained in all aspects of this policy and procedures. For personnel who visit our programs and projects, we provide extra training about how to encourage and receive complaints (especially with regard to accessibility including language and culture). We support partners to understand the MSA policy and develop their own complaints mechanisms.

#### 7.17 Learning from complaints

We are prepared to change the way in which we operate and improve or undertake further training of employees. We will communicate the implications for our policies, procedures, processes, programs, and projects so that we can embed organisation learning.