CODE OF ETHICS COMPLAINTS HANDLING PROCEDURE
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1. Background

Commitment to a code of ethics is one of the hallmarks of a profession. The AIHS, as the national representative body of the health and safety profession, requires its members and AIHS certified OHS practitioners and professionals to operate ethically in the conduct of their work.

To support this, the AIHS has developed a Code of Ethics to which members and AIHS certified OHS practitioners and professionals must commit.

In committing to the Code of Ethics all AIHS members and certified OHS practitioners and professionals, agree to contribute to the prevention of harm in the workplace and promotion of people’s safety and health through the design and conduct of good work.

2. Scope

The Code of Ethics applies to all AIHS members and certified OHS practitioners and professionals when undertaking their professional OHS activities and/or representing themselves as members of the AIHS.

3. Roles and Responsibilities

*Note: these Policies and Procedures are to be read with the Institute’s Constitution and By-laws and in the event of any contradictions, the primary governance documents will prevail.*

The **AIHS Board of Directors** is responsible for:

a) Approving the Code of Ethics Complaints Procedure

b) Ensuring implementation of the Code of Ethics Complaints Procedure and participating in the informal or formal resolution of allegations of breaches of the Code of Ethics as outlined in this document

c) Upholding the requirements of the Code of Ethics in their individual conduct at all times.

The **Chair and members of the College of Fellows Ethics and Professional Conduct Committee** is responsible for:

a) Maintaining the Code of Ethics

d) Maintaining the Code of Ethics and Complaints Procedure

b) Participating in investigating complaints of breaches of the Code of Ethics.

All **AIHS Members and Certified OHS Practitioners and Professionals** are responsible for committing to, supporting, and complying with the Code of Ethics when undertaking their roles as a part of the OHS profession and/or representing themselves as members of the AIHS.

4. Complaints Handling Policy and Procedure

**Guiding Principles**

1. Any complaints or reports of breaches of the Code of Ethics will be treated seriously and with sensitivity.

2. Any individual who raises, supports someone who raises a concern or is a witness to the issue of concern shall not suffer a negative consequence from the AIHS as a result of raising a *bona fide* concern.

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Approved by: AIHS Board  
Issued: June 2020  
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3. All reports will be treated in accordance with applicable privacy legislation.
4. The identity of a complainant may remain confidential during informal resolution but may not be so maintained for formal resolution.
5. Respondents will be supported and afforded natural justice at all times.
6. Respondents are at liberty to seek whatever support they require, including legal advice at their own cost.
7. A respondent cannot be compelled to participate in the investigation of a complaint.
8. Whilst anonymous reports may be accepted, enough detail must be provided to enable proper enquiry into the matter, including raising the matter with the respondent in a manner that enables them to respond in full to the allegations.
9. All complaints involving senior AIHS Office Bearers or employees will be referred for formal resolution.
10. Complaints between members, which do not involve an alleged breach of the Code Ethics will not be accepted or addressed through this process but may be referred to the AIHS CEO for follow up.
11. Initial complaints will be accepted in person (telephone and face to face) and in writing.
12. Complaints requiring intervention by the AIHS must be in writing.
13. Contact details can be found at www.aihs.org.au.

Handling procedures

Upon receiving an initial complaint of a breach of the Code of Ethics, the AIHS Chief Executive Officer or AIHS Board Chair or both:

1. May reject matters which are considered to be frivolous or vexatious;
2. Will determine if it is a matter for the AIHS which falls under the scope of the Code of Ethics;
3. May refer matters which involve criminal or regulatory breaches to the police or applicable regulatory body;
4. May discuss the matter with the complainant and attempt to resolve it without further action;
5. May in consultation with the complainant consider whether the matter can be resolved informally including referring the matter for mediation without a formal investigation, or
6. May refer the matter for formal resolution;
7. Will make a record of the matter which will be filed.

Informal Resolution

Note: Any allegation of the breach of the Code of Ethics made against an AIHS Board Member or Executive Staff of the Institute may not be resolved informally.

Where the complainant has agreed, a matter may be addressed informally whereby the AIHS CEO or Board Chair will facilitate communication between the parties to:

- understand the complaint being made
- discuss opportunities to resolve the complaint
• agree on steps to ensure prevention of repeat behaviour and/or complaints
• refer both parties for support during and after the process
• monitor the outcome of the informal process.

Informal resolution may utilise an external, independent, and professionally accredited mediator at the request of the complainant, the respondent or at the discretion of the AIHS CEO.

Costs of mediation may be borne by the applicant, respondent or AIHS as agreed.

Informal resolution will not result in sanctions being applied to the respondent by the AIHS.

**Formal Resolution Procedures**

Formal resolution procedures will be commenced where;

1. informal resolution procedures have failed; and/or
2. the complainant or respondent request formal resolution; and/or
3. the complaint constitutes a serious breach of the Code of Ethics; and/or
4. the AIHS CEO or Chair or both consider it necessary or desirable.

**Constitution of College of Fellows Independent Investigation Panel**

Where formal resolution of a matter is required, the AIHS Board Chair or CEO or both must empanel a College of Fellows Independent Investigation Panel comprising at a minimum:

1. The Chair of the CoF Ethics and Professional Conduct Committee or delegate
2. Another member of the College of Fellows

In addition

3. where the matter pertains to a certified OHS practitioner or professional - the Chair of the Certification Governance Committee or delegate, or
4. where the matter pertains to an uncertified member - the Chair of the College of Fellows or delegate.

*Note: a legal representative may be engaged to sit on the panel depending on the matter to be considered and where legal expertise is not already available on the panel as constituted in lieu of another CoF member at 2*

**Expert Assistance**

The CoF Independent Investigation Panel may conduct its own internal investigation, or it may seek Board approval to refer the matter for external investigation.

Subject to approval by the AIHS CEO the Panel may seek whatever expert advice, including legal advice, it requires to enable it to make a determination of the matter.

**Timetable**

Formal investigation of breaches of the Code of Ethics must comply with the following timetable wherever practical:
1. Receipt of the complaint by the AIHS CEO or Board Chair
2. Within 7 days, either informally resolve the matter with the complainant or obtain agreement with the parties to enter into informal resolution where appropriate
3. Within 7 days where informal resolution is unsuccessful or inappropriate - Referral of the matter to the AIHS Board
4. Within 7 days of referral - constitution of the CoF Independent Investigation Panel
5. Within 14 days of referral for investigation - Submission of the investigation report and recommendations to the AIHS Board
6. Within 21 days of receipt of submissions by the AIHS Board - Opportunity for the respondent to appear before the AIHS Board
7. Within 14 days of the Respondent’s appearance - Implementation, rejection or substitution of CoF Independent Investigation Panel recommendations by the AIHS Board.

**Disciplinary Outcomes**

The AIHS Board must accept the outcome of the investigation by the CoF Independent Investigation Panel but may apply, reject or substitute any sanction recommended by the CoF Independent Investigation Panel.

Prior to the AIHS Board implementing any recommended sanctions, a respondent may make representations directly to the AIHS Board, including having the opportunity to provide character references, but once the AIHS Board has rendered its decision there is to be no further appeal.

Subject to the AIHS Constitution and By-laws, sanctions may include but are not limited to:

1. Counselling
2. Apology
3. Formal warning
4. Recommended course of training
5. Downgrading of membership or certification
6. Suspension
7. Expulsion
8. Any other sanction considered appropriate.
Complaints Handling – Flow Chart

INITIAL COMPLAINT RECEIVED BY AIHS CEO OR CHAIR

Complaint Rejected
- End of Matter

Informal Resolution with parties by AIHS CEO / CHAIR
- Issue Resolved
  - Yes – End of matter
  - No – Referred for formal resolution

Formal Resolution
- CoF Investigation
  - Panel appointed to conduct investigation
  - Investigation outcome and recommended sanctions referred to AIHS Board
  - Appearance before AIHS Board of respondent (optional)
  - AIHS Board imposes sanctions
  - End of Matter

End of Matter
5. Our Code of Ethics

Commitment to a code of ethics is a hallmark of a profession. As the professional body the Australian Institute of Health & Safety requires its members and certified OHS practitioners and professionals to commit to the Code of Ethics.

In committing to the Code, I agree to contribute to the prevention of harm in the workplace and promotion of people’s safety and health through the design and conduct of good work. In making this commitment as members and certified OHS practitioners and professionals, I agree to uphold the values of integrity, objectivity, impartiality, professional competence, professional behaviour, and confidentiality and appropriate disclosure.

These values are applied by:

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<th>Demonstrating integrity through being:</th>
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<tr>
<td>1</td>
<td>Honest</td>
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<td></td>
<td>• In professional practice including in managing data, providing advice and in financial matters</td>
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<td>• In communication, appropriately acknowledging the input of others</td>
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<td>2</td>
<td>Trustworthy</td>
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<td>• Reliable and credible as a trusted advisor to those to whom health and safety advice is given or who may be impacted by professional activities</td>
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<td>Respectful</td>
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<td>• Of the rights and dignity of all people taking account of the principles of human rights</td>
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<td>• In avoiding actions or providing advice that may result in discrimination against individuals or groups</td>
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<td>4</td>
<td>Fearless/courageous</td>
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<td>• Providing accurate and impartial advice to inform decisions even in the face of opposition</td>
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<td>5</td>
<td>Being objective</td>
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<td>• Ensuring that professional activities are as far as practical evidence-based</td>
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<td></td>
<td>• Resisting unreasonably interest-based pressures to modify professional advice</td>
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<td>6</td>
<td>Being impartial</td>
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<td>• Balancing competing duties to employer/client, workers, the public and the profession taking account of the primary duty to prevent harm</td>
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<td>• Ensuring any sectional or personal interests do not impact on professional activities</td>
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<td>• Avoiding circumstances which may compromise professional conduct or where conflicts of interest may arise</td>
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<th>Practicing competently:</th>
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<td>4</td>
<td>Understanding relevant laws, regulation and recognised standards of practice as they relate to professional duties</td>
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<td>• Maintaining and developing knowledge and skills</td>
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<td>• Planning, conducting and reflecting on professional competence to understand my personal ability to undertake work before doing so</td>
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<td>• Representing areas of competence honestly and objectively</td>
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<td>• Ensuring persons working under my authority or supervision are competent to perform assigned tasks</td>
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<td>• Acting on the basis of adequate knowledge</td>
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<th>Acting professionally</th>
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<td>5</td>
<td>Encouraging and supporting other OHS professionals</td>
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<td></td>
<td>• Upholding the reputation and trustworthiness of the practices of the profession</td>
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<td>• Having due regard for the effect professional activities may have on others</td>
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<td>• Respecting the skills and competence of other professionals when soliciting for work, and not solicit by offering or paying inducements</td>
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<td></td>
<td>• Contributing to organisational ethical capability</td>
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<td></td>
<td>• Recognising threats to professional behaviour and seeking to avoid, manage or resolve such threats</td>
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<th>Managing information appropriately</th>
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<td>Maintaining confidentiality of medical and personal details as well as organisational information not related to health and safety, except as required to be disclosed under a law or by a court</td>
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<td>• Considering legislation and ‘right to know’ of matters impacting on health and safety when managing OHS information</td>
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<td>• Where internal disclosure does not result in corrective action, taking appropriate action based on professional advice and the health and safety risk involved</td>
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