

Human Rights of First Nations Stakeholders Grievance Process



Framework

Introduction

Commonwealth Bank (CBA) acknowledges the Traditional Owners of the lands across Australia as the continuing custodians of Country and Culture dating back to the creation of the Dreaming.

We pay our respect to First Nations peoples and their Elders, past and present. We acknowledge and celebrate the inherent resilience of Aboriginal and Torres Strait Islander peoples and communities. CBA recognises that we have an important role to play in promoting the rights of First Nations peoples and encouraging responsible business conduct by our Clients. In establishing this Process (comprising of this Framework, an FAQ and flow chart), our objective is to provide a framework within which:

- First Nations Stakeholders can raise concerns regarding impacts on their human rights connected with CBA's business lending activities;
- efforts can be made to resolve those concerns; and
- valuable feedback and recommendations can be provided to CBA aimed at strengthening our policies and processes.

In line with our Reconciliation Action Plan (RAP) commitments, this Process has been supported by the Bank's Indigenous Advisory Council (IAC) and Indigenous Leadership Team (ILT). It seeks to provide an avenue for First Nations Stakeholders to raise directly with CBA genuine concerns regarding human rights impacts connected with CBA's business lending activity to Clients. It is intended that this Process assists in developing positive working relationships with First Nations Stakeholders.

Potential outcomes through this Process

Depending on the circumstances, this Process may help:

- provide a channel for First Nations Stakeholders to raise grievances and for CBA to listen to those grievances;
- promote dialogue between First Nations Stakeholders, CBA and the Client;
- CBA to consider our potential connection, if any, to a human rights impact;
- where appropriate, CBA to consider ways to respond to and/or resolve the grievance (depending on CBA's connection, if any, to the impact); and
- where appropriate, give CBA an opportunity to identify lessons and potential improvements from the Process and consider improvements to policies and processes.

How grievances are raised through this Process.

Currently you can raise a grievance by sending an email to us at FirstNationsGrievance@cba.com.au. As set out in the FAQs, if you prefer to speak to us about your grievance, a member of our team will call you to understand your concerns. Additional ways to raise a grievance may also be added over time. The following documents outline how a grievance can be submitted and what happens after a grievance is received by CBA:


- FAQs in relation to this Process can be found [here](#); and
- Flow Chart which outlines the process for the making, and handling, of eligible grievances [here](#).

Eligibility

CBA will consider genuine grievances made by First Nations Stakeholders or their legitimate representatives that:

- relate to a human rights impact to First Nations Stakeholders that is connected with CBA's business lending activities with a current or former Client (being a customer of CBA who is relationship managed by either Business Banking or Institutional Banking and Markets with financing transactions of AUD\$5 Million or greater); and
- relate to Client activities that occurred while CBA was in a business lending relationship with the Client.

Under this Process, a 'human rights impact' means a situation where an individual or group is unable, or less able, to enjoy their human rights.



Human rights are rights that every person has, and which are internationally recognised, as set out in the International Bill of Human Rights and the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work.

A concern about a human rights impact that may be eligible for this Process may include, for example, a concern that one of CBA's Clients may have impacted a First Nations Stakeholder's right to:

- safe and healthy working conditions; or
- be free from unlawful interference with their privacy; or
- take part in cultural life; or
- freedom from discrimination in employment based on race; or
- freedom from forced labour.

Is your concern about a CBA product or service?

If you are a customer and have a complaint about a product or service provided to you by CBA, our staff or the handling of a customer complaint, please [click](#) here for access to that separate complaints channel.

Do you want to provide general feedback to our Indigenous Affairs team?

If you would like to share feedback with our Indigenous Affairs team that is not a grievance you wish dealt with under this Process, please email reconciliationactionplan@cba.com.au.

Commitments

This Process is aligned with CBA's commitments to human rights under our RAP and our Environmental & Social Framework ([E&S Framework](#)). The Process has been guided by the principles contained in the United Nations Guiding Principles on Business and Human Rights ([UNGPs](#)) and the United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)).

Guiding principles

This Process is guided by the following principles aligned with the UNGPs:

- a) **Legitimate** – First Nations Stakeholders may use this Process to raise any concerns regarding human rights impacts connected with CBA's business lending activity to its current and former Clients. CBA welcomes feedback on this Process from First Nations Stakeholders to ensure it is accessible, meets the needs of First Nations Stakeholders and is culturally appropriate.
- b) **Accessible** – This Process will be publicly available at [Policies and practices - CommBank](#) and First Nations Stakeholders will be supported to access the Process.
- c) **Predictable and responsive** – As far as practicable, CBA will use reasonable efforts to meet any timeframes set out in the flow chart (available [here](#)). CBA will take all eligible grievances seriously and progress consideration of the grievances in a timely and responsive way as far as reasonably practicable. CBA will use reasonable efforts to keep First Nations Stakeholders informed on the progress of their grievance throughout this Process.
- d) **Equitable and objective** – CBA is committed to ensuring First Nations Stakeholders have equitable access to this Process and, in line with the accessibility principle, are supported to access and use this Process. All First Nations Stakeholders will be treated with respect and we will endeavour to identify and manage conflicts of interest.
- e) **Transparent** – Subject to managing confidentiality, parties to any grievance raised under this Process will be kept informed about its progress. As set out below, CBA will publish de-identified reports annually regarding use of the Process.
- f) **Rights-compatible** – CBA is committed to taking steps to facilitate outcomes and resolutions under this Process that are consistent with international human rights. CBA does not tolerate retaliation against those who raise a grievance.
- g) **Engagement, evaluation and improvement** – CBA will internally review this Process in consultation with our IAC and our ILT from time to time. CBA welcomes feedback from First Nations Stakeholders on this Process.
- h) **Confidentiality and privacy** – CBA is committed to ensuring that as far as practicable:
 - i. subject to the point below on Client consent, all information related to grievances and their resolution will remain confidential unless agreed between the relevant parties; and
 - ii. the privacy of First Nations Stakeholders will be maintained and personal information will be managed in accordance with CBA's privacy policy.

In order to request a Client's consent to disclose a business lending relationship, it may be necessary to disclose some information about the complainant and/or the grievance. Before disclosing any information about the complainant and/or grievance, CBA will consider whether the complainant's consent is reasonably required in the circumstances. If appropriate, CBA will contact the complainant to confirm whether the complainant is comfortable with CBA contacting the Client, and confirm what information the complainant is willing for CBA to share with the Client, noting that certain information will be necessary to share in order to progress the consideration of the grievance.

Identification of lessons and potential improvements

CBA will, where appropriate, identify any lessons and potential improvements under this Process, and consider updates to its policies and procedures.

External reporting

- The information of First Nations Stakeholders and the Client will be kept confidential as far as possible. Personal information will be managed in accordance with CBA's privacy policy. Where a grievance, or parts of it, have been published by the complainant or their representative(s), or otherwise made available to the public by, or at the direction of the First Nations Stakeholders, CBA will treat that information as non-confidential and may disclose the information to third parties for the purposes of the Process.
- CBA will report on the operation of this Process publicly at least annually including:
 - o the number of grievances received;
 - o the number of grievances accepted as eligible grievances under the Process;
 - o the industry or sector in which the Client operates in association with the grievance;
 - o where the relevant First Nations Stakeholder(s) and Client have given their consent to it being published, a general description of the perceived human rights(s) impacts(s);
 - o the status of accepted grievances; and
 - o summary of Process outcomes including changes to CBA's policies and processes.
- Personal information of First Nations Stakeholders and Clients will not be disclosed as part of the reporting without consent. CBA's confidentiality and privacy obligations above may otherwise limit what can be reported publicly.

General

- This Process (including the [FAQ](#) and [Flow Chart](#)) provides general guidance on how concerns from First Nations Stakeholders on human rights impacts connected to CBA's business lending activity may be considered by CBA. There may be circumstances where CBA will depart from this Process as reasonably determined by it in its discretion from time to time.
- This Process does not form part of the terms and conditions of any contract between CBA and any other person and does not constitute a representation, warranty or promise. This Process does not impose any contractual obligations, implied or otherwise, on CBA.
- If CBA receives multiple eligible grievances that relate to the same (or substantially similar) circumstances, then CBA may choose to address these grievances together under this Process where CBA thinks it is appropriate to do so.
- This Process may be varied by CBA from time to time.

Contact

If you have any questions about this Process, please contact reconciliationactionplan@cba.com.au.

Key terms

Client	A customer of CBA who is relationship managed by either Business Banking or Institutional Banking and Markets with financing transactions of AUD\$5 Million or greater.
First Nations Stakeholder	An Australian First Nations person or people who consider their human rights have been directly impacted or are likely to be directly impacted as a result of CBA's business lending activity to its current or former Clients.
Human Rights Impact	A situation where an individual or group is unable, or less able, to enjoy their human rights. Human rights are rights that every person has, and which are internationally recognised, as set out in the International Bill of Human Rights and the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work.
Process	CBA's Human Rights of First Nations Stakeholders Grievance Process, comprising this Human Rights Grievance Process Framework, the FAQs and the flow chart .