

4. HUMAN RESOURCES POLICY

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| Policy Name | 4.11 Whistleblower |
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INTRODUCTION

Awards WA is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

Awards WA recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.

This Whistleblower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that Awards WA or anybody connected with Awards WA has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

PURPOSE

This Policy aims to:

- encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
- enable Awards WA to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- ensure that any Reportable Conduct is identified and dealt with appropriately
- ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- help to ensure that Awards WA maintains the highest standards of ethical behaviour and integrity.

SCOPE

This policy applies to employees, Board Members, Contractors, Suppliers **Volunteers and Participants**. All of these people are represented by the term "Workers".

Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy. All these people are represented by the term "others".

This policy will be communicated to Board Members and employees directly and all other workers and others via the website www.awardswa.org.au

PRINCIPLES

- **Higher standard** – This Policy is designed to comply with Awards WA's legal obligations. If anything in this Policy is inconsistent with any law imposed on Awards WA that legal obligation or the "higher standard" will prevail over this Policy.

- **Speak up and report it!** – All Workers and others at Awards WA are encouraged to report any concerns in line with the policies and procedures.
- **Expectations of Workers** – Awards WA expects Workers to act honestly and ethically, and to make any report on reasonable grounds.
- **Responsibility to Whistleblowers** – Awards WA’s obligations to Workers are spelled out in this policy, but in particular in section ‘Protection’.
- **Confidentiality and consent** - Awards WA will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While Awards WA encourages Whistleblowers to identify themselves to the CEO, they may opt to report their concerns anonymously.

REPORTABLE CONDUCT

Who can make a report?

A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with Awards WA, and wishes to avail themselves of protection against reprisal for having made the report.

A Whistleblower may be a current or former Worker with Awards WA or others.

What is Reportable Conduct?

A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- Awards WA; or
- A related body corporate of Awards WA

Reportable Conduct

Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

- dishonest;
- corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- fraudulent;
- illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- in breach of regulation, internal policy or code (such as our Code of Conduct);
- improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- a serious impropriety or an improper state of affairs or circumstances;
- endangering health or safety;
- damaging or substantially risking damage to the environment;
- a serious mismanagement of Awards WA’s resources;
- detrimental to Awards WA’s financial position or reputation;
- maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- concealing reportable conduct.

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

What is *not* Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to Awards WA, not all types of conduct are intended to be covered by this Policy or by the protections under the Incorporated Associations Act 2015 (WA). This Policy does not apply to personal work-related grievances (see What is not Reportable Conduct), unless the grievance includes victimisation due to whistleblowing.

Personal work-related grievances are those that relate to the discloser's current or former employment with Awards WA that might have implications for the discloser personally but do not:

- Have any other significant implications for Awards WA (or another entity); or
- Relate to any conduct or alleged conduct about a disclosable matter (as set out in Reportable Conduct).

Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

What information is needed to make a report?

To make a protected report there must be a knowledge of or have reasonable grounds to suspect the Reportable Conduct.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that as much information is provided as possible. This includes any known details about the events underlying the report such as the:

- date;
- time;
- location;
- name of person(s) involved;
- possible witnesses to the events; and
- evidence of the events (e.g. documents, emails).

The report must include any steps that have already been taken to report the matter elsewhere or to resolve the concern.

How to make a report

A report must be made anonymously to the CEO on [08 9321 4179] or posted to the address as listed on the Awards WA website (or if the Reportable Conduct relates to the CEO), to the Chair of the Board of Awards WA as listed in the Awards WA contact list.

Awards WA will also protect individuals who have made a report in connection with Awards WA:

- To the Australian Securities and Investments Commission (ASIC) or the Australian Charities and Not-for-profits Commission (ACNC) or another Commonwealth regulatory body prescribed in legislation;
- To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or

- That qualifies as an emergency or public interest disclosure under the Associations Incorporations Act 2015 (WA). It is important to understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

While Awards WA encourages identification to the CEO, however, there is the option to report concerns anonymously such as by adopting a pseudonym.

PROTECTION

Protection offered when reporting Reportable Conduct?

Awards WA will support and protect anyone making a report as well as anyone else assisting in the investigation, even if it turns out the concerns are a mistake.

Awards WA will not tolerate any detriment inflicted because somebody has made, or might make, a report of Reportable Conduct. Examples of a detriment include:

- retaliation, dismissal, suspension, demotion, or termination of role;
- bullying, harassment, threats or intimidation;
- discrimination, subject to current or future bias, or derogatory treatment;
- harm or injury;
- damage or threats to property, business, financial position or reputation; or
- revealing the identity as a Whistleblower without consent or contrary to law;
- threatening to carry out any of the above actions.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided that all parties are acting honestly and ethically and make the report on reasonable grounds.

This protection also applies to individuals conducting, assisting or participating in an investigation. Protection is entitled even if a report of Reportable Conduct is made to an external body under this Policy.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy, will be disciplined and may be dismissed or subject to criminal or civil penalties.

If a person believes they have suffered a detriment in violation of this Policy, Awards WA encourage them to report this immediately to the CEO, or an external body under this Policy. Concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

A person may also be entitled to the following legal protections for making a report:

- protection from civil, criminal or administrative legal action;
- protection from having to give evidence in legal proceedings; and/or
- compensation or other legal remedy.

How will Awards WA ensure confidentiality?

A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Awards WA will do all it can to protect confidentiality.

However, Awards WA encourages all individuals to disclose their identity when raising a concern. This will assist to gather further information on the report. If a person chooses to disclose their identity, details will be treated confidentially to the fullest extent possible in connection with the investigation. Awards WA will take measures to protect identities such as by redacting personal information, storing information and disclosure securely, referencing in a gender-neutral context and only allowing qualified staff to investigate disclosures.

A person may choose to report concerns anonymously. However, if they choose to disclose their identity, details will be treated confidentially to the fullest extent possible in connection with the investigation, and the identity will not be disclosed unless:

- consent is provided in writing to the disclosure;
- the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
- the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- the disclosure is authorised under the Incorporated Associations Act 2015 (WA); and/or
- disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on the report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If it is felt that confidentiality has been breached, a complaint can be lodged with a regulator, such as ASIC, APRA or the ATO, for investigation. Awards WA may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

False reports or disclosures

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

HANDLING AND INVESTIGATING A DISCLOSURE

1.1.1 Upon receiving a Protected Disclosure, within 14 days, Awards WA will endeavour to assess the disclosure to determine whether:

- It qualifies for protection; and
- A formal, in-depth investigation is required.

Awards WA will endeavour provide the discloser with regular updates.

Awards WA may not be able to investigate a disclosure if it is unable to contact the discloser.

Awards WA will handle and investigate Protected Disclosures in accordance with the Whistleblowing Procedure below.

MONITORING AND ASSURANCE

This Policy will be available to all Workers via the Induction Process.

To ensure effective protection under the Policy, the CEO will monitor and review this Policy every 3 years.

WHISTLEBLOWER PROCEDURES

RESPONSIBILITIES

Awards WA's Board is responsible for adopting this policy.

Awards WA's CEO is responsible for the implementation of this policy.

All staff and all volunteers are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

PROCEDURE

How do I make a report?

Whistleblowing protections will only apply to reports of Reportable Conduct made in accordance with this Policy and Procedure.

Where you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, you should report the matter to the CEO on [08 9321 4179] (or if the Reportable Conduct relates to the CEO), to the Chair of the Board of Awards WA as listed in the Awards WA contact list.

If you are not comfortable or able to report Reportable Conduct internally, you may report it to ASIC.

How are reports investigated?

After receiving your report Awards WA will:

- assess the report of Reportable Conduct;
- consider whether there are any conflicts of interest prior to investigating;
- determine whether external authorities need to be notified;
- determine whether and how to investigate; and
- appoint a Whistleblowing Investigator if appropriate.

If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.

Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.

Awards WA may need to speak with a Whistleblower as part of an investigation. If the identity of the Whistleblower is known, Awards WA will endeavour to keep them informed about the status of an investigation.

If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

Outcome of an investigation

At the conclusion of the investigation, a report will be prepared outlining:

- a finding of all relevant facts;
- a determination as to whether the allegation(s) have been substantiated or otherwise;
- the action that will be taken, which may include disciplinary action and dismissal.

The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

Where possible and appropriate, having regard to Awards WA's privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.