

Guide Dogs.

POL 1022 Whistleblower Protection Policy Organisational

Policy statement

Guide Dogs Queensland (GDQ) is committed to the highest standards of legal, ethical and moral behaviour. GDQ will not tolerate unethical, unlawful or undesirable conduct. This policy documents GDQ's commitment to maintaining an environment in which current and former employees, volunteers, clients and contractors are able to report, without fear of retaliatory action, concerns about any serious instances of wrongdoing that they believe has occurred or may be occurring within GDQ.

This policy complements normal reporting and communication channels within GDQ and provides an alternative means of reporting alleged or suspected wrongdoing where the usual channels appear to have failed or may be inappropriate.

Application

This policy applies to all current and former volunteers, contractors, clients, employees and the Board of Directors of GDQ; and their relatives, dependants and spouses.

Purpose

The purpose of this policy is to:

- encourage disclosures of wrongdoing;
- help deter wrongdoing in line with GDQ's risk management systems;
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- ensure disclosures are dealt with appropriately and on a timely basis;
- provide transparency around GDQ's framework for receiving, handling and investigating disclosures;
- support GDQ's values, code of conduct and various other policies;
- support GDQ's long-term sustainability and reputation; and
- meet GDQ's legal and regulatory obligations.

Guide Dogs.

Definitions

Detriment: Detriment includes any of the following:

- dismissal of an employee;
- injury of an employee in his or her employment;
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; and
- any other damage to a person.

Disclosable matters: Disclosable matters qualify for protection under the *Corporations Act 2001* (Cth) (**Corps Act**); where the discloser has **reasonable grounds** to suspect that the information concerns:

- misconduct; or
- an improper state of affairs or circumstances.

The matter must be in relation to:

- GDQ; or
- a related body corporate of GDQ.

It includes conduct that constitutes:

- an offence under the *Corps Act*
- an offence under the *ASIC Act 2001* (Cth);
- an offence against a Commonwealth law punishable by 12 months' imprisonment or more; or
- conduct that presents a danger to the public or the financial system.

Conduct does not have to be against the law to be reportable.

Examples of this conduct includes:

- illegal conduct, such as theft, dealing or use of illicit drugs, violence or threatened violence and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities;
- failure to comply with, or breach of legal or regulatory requirements; and
- engaging in or threatening to engage in detriment conduct against a person who has made a disclosure or is believed or suspect to have made, or be planning to make, a disclosure (victimisation).

NB: Personal work-related grievances that do not relate to detriment or threat of detriment to the discloser do not qualify for protection unless:

Guide Dogs.

- it includes information about misconduct;
- GDQ has breached employment or other laws punishable by 12 months or more or represents a danger to the public;
- the discloser suffers from or is threatened with detriment for making the disclosure; or
- the discloser seeks legal advice or representation about the operation of the whistleblower protections under the *Corps Act*.

Eligible recipients: An eligible recipient to whom a disclosure can be made is:

- an auditor, or a member of an audit team conducting an audit, of GDQ;
- a Chief Executive Officer (CEO);
- a Chief Financial Officer (CFO);
- a Human Resources Manager (HRM);
- any General Manager
- the GDQ Board of Directors;
- an actuary of Guide Dogs Queensland;
- the following regulators: Australian Securities and Investments Commission (ASIC), the Registrar, Australian Prudential Regulatory Authority (APRA) or another prescribed Commonwealth (Cth) entity; and
- a legal practitioner (for the purpose of obtaining legal advice).

Eligible whistleblower: An individual is an eligible whistleblower in relation to GDQ if the individual is, or has been, any of the following:

- a current or former officer or employee of GDQ;
- an individual who supplies services or goods to GDQ (whether paid or unpaid);
- an employee of a person that supplies services or goods to GDQ (whether paid or unpaid);
- an individual who has an association with GDQ; or
- a relative, dependant or spouse of an individual referred to above.

Personal work-related grievances: A personal work-related grievance is one that:

- does not have any significant implication for GDQ; or
- does not relate to any conduct, or alleged conduct about a disclosable matter.

Examples of personal work-related grievance include:

- interpersonal conflict between the discloser and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion of the discloser;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate the engagement of the discloser or otherwise to discipline the discloser.

Please refer to GDQ's Grievance Resolution Policy for information and support about lodging a grievance.

Whistleblower Protection Officer: An officer, senior manager or employee appointed to support and provide protection to the whistleblower according to this policy (please refer to POL 5003 Delegation of Authority Policy).

Guide Dogs.

How can a matter be reported?

To be eligible for the legal protections outlined in this policy, a person must:

- (1) be an eligible whistleblower;
- (2) report your concerns to an eligible recipient; and
- (3) have reasonable grounds to suspect a Disclosable matter in relation to GDQ.

If your report doesn't meet the above criteria, GDQ still encourages you to raise your concerns with your line manager or an eligible recipient as we want to know of any issues affecting our organisation. However, only reports that meet all 3 criteria receive the legal protections outlined in this policy.

Reports are encouraged in writing.

1. Eligible recipients

The whistleblower may choose to report a wrongdoing (or suspicion of wrongdoing) to any of the **eligible recipients**. They may be contacted in person, by phone or email.

2. Your Call

However, if the whistleblower does not feel comfortable reporting to their eligible person through normal reporting channels is appropriate, under this policy the report may be made using Your Call, a confidential and external whistleblowing reporting service. Your Call can be contacted either on **1300 798 101** or <https://secured1.yourcall.com.au/> using the organisation ID: GUID1978.

Your Call staff will obtain from you the information required to assess and address the reported matter and will ensure that the information is brought to the attention of executive management in a timely manner.

Your Call will receive whistleblower complaints and these will be actioned and reported through to GDQ as follows:

- whistleblower complaints will be received by the CEO, CFO and HRM;
- whistleblower complaints about the HRM will be received by the CFO and CEO;
- whistleblower complaints about General Manager positions will be received by the CEO; and
- whistleblower complaints about the CEO will be elevated to the GDQ Board Audit Risk and Compliance Committee Chair.

Anonymity

An eligible whistleblower may choose to remain anonymous when making a disclosure, during the course of the investigation and after the investigation is finalised. A whistleblower can also refuse to answer questions if they reasonably believe that this could reveal their identity.

In order to ensure anonymity, GDQ will, where applicable, ensure that communications with whistleblowers are through anonymous telephone hotlines and anonymised email addresses (eg. through Your Call) and will allow whistleblowers to adopt a pseudonym if they so wish.

However, where reports are submitted anonymously, it may sometimes be more difficult for the investigation to take place and may hinder the process somewhat. Staff are therefore encouraged to put their name to reports and assist an investigating officer as much as they can.

Guide Dogs.

Any anonymous report should provide as much detail as possible so as not to compromise the ability to fully investigate the allegations being made.

Public interest disclosures

Disclosure can **only** be made to a Member of Parliament or a journalist if:

- there has been an original disclosure to ASIC, APRA or another Cth body and it was made at least 90 days ago;
- there are no reasonable grounds to believe an action has been taken/is being taken;
- there are reasonable grounds to believe that further disclosure would be in the public's interest;
- written notification is given; and
- the extent of information disclosed is no greater than necessary.

Emergency disclosures

Disclosure can **only** be made to a Member of Parliament or a journalist if:

- there has been an original disclosure to ASIC, APRA or another Cth body;
- there are reasonable grounds to believe the matter involves **substantial and imminent danger** to the health or safety of an individual, persons or the environment;
- written notification is given; and
- the extent of information disclosed is no greater than necessary.

It is advisable that an individual seeks independent legal advice before making a public interest disclosure or emergency disclosure.

Guide Dogs.

Legal protections for whistleblowers

Disclosures are protected if they are:

- made by an **eligible whistleblower** in relation to GDQ;
- made to an **eligible recipient**, regulator or certain prescribed parties; and
- in relation to a **disclosable matter**.

Identity protection (confidentiality)

A person cannot disclose the identity of a whistleblower or any information that is likely to lead to the identification of the whistleblower without their consent.

The only exceptions to this is where this information is disclosed to:

- ASIC, APRA or a member of the Australian Federal Police;
- a legal practitioner for the purpose of obtaining legal advice; or
- to a person or body prescribed by the regulations.

If confidentiality is somehow breached, the whistleblower can lodge a complaint with GDQ who will investigate.

Protection from detrimental acts or omissions

A person is also prohibited from engaging in any conduct that causes a detriment, or threatens to cause a detriment to the whistleblower if:

- the person believes or suspects that the person has made a whistleblower complaint or intends on doing so;
- the person causes the whistleblower detriment *because of this*.

Examples of detrimental conduct include:

- dismissal;
- injury within employment;
- reducing an employee's duties;
- causing damage to a person's property, reputation or position.

Detrimental conduct does not include:

- administrative action that is reasonable to protect a whistleblower (such as moving them to another team); and
- managing a whistleblower's work performance or any reasonable management action unrelated to the complaint.

Civil, criminal and administrative liability protection

A whistleblower is protected from:

- certain civil liability (e.g., for breach of an employment contract, duty of confidentiality or other contractual obligation);
- certain criminal liability (eg. for unlawful releasing information); and
- certain administrative liability (e.g. being dismissed for making the disclosure).

Guide Dogs.

However, immunity is not granted for any misconduct of the whistleblower.

Compensation

A whistleblower can seek compensation if:

- they suffer loss, damage or injury as a result of the disclosure; and
- it can be established that GDQ failed to take precautions to prevent the injury.

A whistleblower should seek legal advice before taking any action to seek compensation.

What happens when a disclosure is made?

Once a disclosure is made, the eligible recipient will need to:

- determine whether the disclosure qualifies for protections; and
- determined whether a formal, in-depth investigation is required.

Investigation

The investigations process will vary depending on the precise nature of the conduct being investigated and the amount of information that has been provided in the report. All investigations under this policy will be conducted in a manner that is confidential, fair and objective and affords natural justice to all people involved. All investigations will be conducted as quickly and as efficiently as possible.

Throughout the investigation process the whistleblower will be kept informed of the progress, with regular updates and findings of the investigation being communicated to the whistleblower, where GDQ is able to do so.

Eligible recipients' obligations

Eligible recipients must:

- ensure that whistleblower complaints are handled correctly otherwise they may risk breaching the *Corps Act*;
- not engage in conduct that causes a detriment to the whistleblower;
- respect confidentiality by protecting the identity of the whistleblower; this includes keeping confidential any information that is likely to lead to their identification; and
- provide support where required.

Confidentiality

Where possible, personal information about the whistleblower will be redacted and all relevant documents will be stored securely, with limited access only provided to those who are authorised to have such access.

It is important to note that, in practice, people may be able to guess the identity of the whistleblower if the whistleblower:

- has mentioned to others that they intend to make the disclosure;
- is only one of a small amount of people with access to the relevant information; or

Guide Dogs.

- provides information that only the whistleblower has been told in privacy and in confidence.

Protection from detrimental conduct

Where a whistleblower considers that they may have been subjected to detriment as a result of making a disclosure, once reported, the matter will be investigated as quickly as possible.

Support services such as the EAP will be made available to whistleblower and management will work to ensure any impact is minimal and modifications to the whistleblower's workplace will occur where required.

Whistleblowers should seek independent legal advice if they believe they have suffered a detriment.

Unsubstantiated allegations

Any allegation contained in a report made under this policy that is unsubstantiated, which proves to have been made maliciously or was knowingly false will be taken seriously. Disciplinary action may be taken against any individual who makes an improper report. No action will be taken against a whistleblower who makes a report under this policy where the report is made in good faith but where no wrongdoing was identified.

Board Reporting

The Board may be provided with details of the Whistleblower report and any findings made to ensure appropriate oversight of reports and investigation of matters reported under this policy. If the Whistleblower does not provide consent for their identity to be disclosed, those persons within GDQ who are handling the report may disclose information to the Board that is reasonably necessary for the purposes of investigating the report, provided that all reasonable steps are taken to reduce the risk that the Whistleblower will be identified as a result of the report.

The Board will monitor the whistleblower management system to ensure that the broader trends, themes and/or emerging risks highlighted by the disclosures made under this policy are addressed and mitigated as part of GDQ's risk management and corporate governance strategies.

Support and availability

Employee Assistance Program

GDQ has an Employee Assistance Program available to all employees who are experiencing difficulties. Staff may choose to access counselling and support services over the telephone or through appointments off-site.

Appointments can be made by directly contacting GDQ's EAP provider, AccessEAP on **1800 81 87 28**.

Policy availability

This policy is available to all employees, volunteers and/or contractors who have access to the Quality Portal. The Board of Directors receives a copy of this policy as part of their Induction process and the Board approves any amendments to this policy.

Specialist training will be available to all Whistleblower Protection Officers. Training on this

Guide Dogs.

policy will be provided to employees, including managers and Board Members, at onboarding, as well as periodic continuing professional development.

This policy is also available on our website.

Associated documents/legislation

Documents

This Policy is one of a suite of policies and procedures which are focussed on supporting our core values of integrity and fairness. Please also refer to the following additional policies and procedures:

- POL 1302 Employee Assistance Program Policy and Procedure
- POL 5003 Delegation of Authority Policy
- POL 1002 Privacy Policy
- Employee Handbook and Code of Conduct
- POL 1010 Confidentiality Policy
- POL 1020 Terms of Engagement Policy
- POL 1301 Discipline Policy
- POL 1303 Grievance Resolution Policy
- POL 5006 Fraud and Corruption Control Policy
- FOR 1010.01 Confidentiality Agreement Form
- Volunteer Guidelines and Code of Conduct

Legislation

- *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth)
- NDIS Quality and Safeguarding Framework
- Corporations Act 2001 (Cth); ASIC Corporations (Whistleblower Policies) Instrument 2019/1146 (Cth)

Document Control

Version number: 10.0

Issue Date: September 2022

Document Authoriser: Board of Directors