

WHISTLEBLOWER POLICY

1. **Purpose**

Red Cross expects that Red Cross people (employees, volunteers and members) and others in the workplace will act in compliance with applicable laws, Red Cross policies and other obligations.

Any person with reasonable grounds to suspect illegal activity and other wrongdoing is encouraged to make a disclosure in accordance with the applicable policy.

This policy provides a framework for specific people to make certain disclosures, known as “Eligible Disclosures”. This policy also describes how Eligible Disclosures will generally be dealt with by the Red Cross.

Any person who makes an Eligible Disclosure is entitled to certain protections in accordance with this policy and should not be subjected to any unlawful victimisation.

Not all complaints about wrongdoing are Eligible Disclosures that are to be dealt with under this policy. For example, this policy does not apply to complaints about a personal work-related grievance.

This policy assists Red Cross’ compliance with Australian whistleblower legislation and does not replace or remove the scope of any protections to people raising concerns under that legislation.

2. **Scope**

This policy only applies to Eligible Disclosures, which are disclosures that are:

- a. about a Reportable Matter;
- b. made on reasonable grounds;
- c. made by an Eligible Person; and
- d. made to a Responsible Person.

Each of these expressions is explained in this policy.

If you wish to make a report about a matter that is not covered by this policy, please refer to the Grievance Policy and Procedure or other relevant policies.

3. **Who can make reports under this Policy?**

A person can make a report under this policy if they are, or have been:

- a. an employee of the Red Cross;
- b. an officer of the Red Cross;
- c. an individual who supplies services or goods to the Red Cross;
- d. an employee of a person that supplies services or goods to the Red Cross;
- e. a relative or dependent of a person described in a. to d. above;
- f. members of a governance body (members of the Board and of Divisional Advisory Boards and their committees);
- g. volunteers; or
- h. members of Red Cross.

In this Policy, the above people are called “Eligible People”.

4. Does this policy cover HR Grievances?

This policy only applies to complaints made by Eligible People about certain matters. In this policy, such matters are called “Reportable Matters”. Details about what comprises a Reportable Matter are set out in section 5 below.

Complaints about HR Related Grievances are not covered by this policy.

A ‘HR Related Grievance’ is a personal work-related grievance of the discloser that does not concern victimisation, or an alleged victimisation, under section 1317AC of the Legislation.

A HR Related Grievance includes a grievance about any matter in relation to the discloser’s employment, or former employment, having (or tending to have) implications for the discloser personally, that:

- a. does not have significant implications for the regulated entity to which it relates, or another regulated entity, that do not relate to the discloser; and
- b. does not concern conduct, or alleged conduct, that falls within the description of Reportable Matters in section 5 below.

A HR Related Grievance can include, for example, a complaint that a person:

- a. is having an interpersonal conflict with another employee;
- b. has been bullied, harassed or discriminated against by another person;
- c. has been treated unfairly;
- d. disagrees with a decision relating to the terms and conditions of their engagement;
- e. disagrees with a decision to suspend or terminate their engagement, or otherwise to discipline them;
- f. disagrees with a decision regarding their engagement, transfer, promotion, work allocation or remuneration;
- g. has been underpaid or should have received a higher incentive payment;
- h. disagrees with a performance review or a performance improvement plan;
- i. is aggrieved by the effect of a company restructure on their role; or
- j. is dissatisfied with their workload or working hours.

A person wishing to make a complaint about these types of matters should refer to the Grievance Policy and Procedure.

5. What disclosures does this policy apply to?

This policy only applies to complaints made by Eligible People about a Reportable Matter.

A Reportable Matter is information that, you have reasonable grounds to suspect, concerns:

- a. misconduct; or
- b. an improper state of affairs or circumstances,

in relation to Red Cross.

Under the Legislation, a Reportable Matter includes information about conduct that:

- a. breaches the *Corporations Act 2001* (Cth);
- b. breaches other financial sector laws enforced by either ASIC or APRA;
- c. breaches Other Legislation (defined in the Appendix to this policy);
- d. breaches an instrument made under any of the above;
- e. is an offence against other laws of the Commonwealth that is punishable by imprisonment for a period of 12 or more months; or
- f. represents a danger to the public or the financial system.

Some of the statutes listed above may not apply to Red Cross given that it does not operate in a particular industry or is not otherwise covered by the relevant law.

A Reportable Matter can also include, for example, information that a person has engaged in conduct that amounts to:

- a. fraud, money laundering, terrorist financing, market manipulation, theft, people trafficking or child exploitation;
- b. a wilful disregard for the safety of others in the workplace;
- c. deliberate mismanagement of the resources of Red Cross;
- d. wage theft or a widespread or systemic underpayment of wages;
- e. victimisation against a person who has made an Eligible Disclosure; or
- f. a contravention of the *Modern Slavery Act 2018*.

6. When should you make an Eligible Disclosure?

If you want to make an Eligible Disclosure, you must have reasonable grounds to suspect that the information concerns a Reportable Matter. The concern should not be based on suspicion alone without any reasonable grounds to support the suspicion.

Trivial breaches of standards or policies do not need to be disclosed.

7. Who do you make an Eligible Disclosure to?

An Eligible Person may make an Eligible Disclosure by contacting Stopline or a Responsible Person.

You can make an Eligible Disclosure to Stopline in the following ways:

- a. Phone: 1300 30 45 50 if within Australia or +61 3 9811 3275 if overseas
- b. Email: redcross@stopline.com.au
- c. Website: <http://redcross.stoplinereport.com>
- d. Post: C/O Stopline Locked Bag 8, Hawthorn, Vic Australia 3122
- e. Fax: Attention: Case Manager c/o Stopline +61 3 9882 4480
- f. App: search for Stopline in the iTunes App Store or Google Play to download the free app and submit a disclosure.

Stopline is the Red Cross whistleblower hotline run by an external and independent third party.

A Responsible Person includes:

- a. If you are an Eligible Person who is a **current employee**:
 - i) the Chief Executive Officer;
 - ii) the Chief People & Culture Officer;
 - iii) the Head of Legal;
 - iv) the Chief Risk Officer; or
 - v) the President of Red Cross Society or any member of the Board of Red Cross; and

- b. If you are an Eligible Person who is a **current member or volunteer**:
 - i) the Chief Executive Officer;
 - ii) the Chief Risk Officer;
 - iii) the Head of Legal;
 - iv) the President of Red Cross Society; or
 - v) Any member of the Board of Red Cross including a Chair of a Divisional Advisory Board.

An Eligible Person may also make an Eligible Disclosure to:

- a. the Australian Securities and Investments Commission;
- b. the Australian Prudential Regulation Authority; or
- c. a legal practitioner for the purpose of getting advice about the operation of Part 9.4AAA of the *Corporations Act 2001*.

8. What happens if I do not reveal who I am when making an Eligible Disclosure?

At Red Cross, we strive to have a culture that allows people to feel comfortable making an Eligible Disclosure without the need for anonymity. If you reveal your identity when making an Eligible Disclosure, it may be easier for the Red Cross to conduct a proper investigation, take appropriate action against any wrongdoers, and provide you with protections in accordance with this policy.

If you do not reveal your identity, it may be more difficult for Red Cross to respond to the Eligible Disclosure, particularly, for example, if Red Cross needs more information to conduct an investigation. Depending on the nature of the Eligible Disclosure, Red Cross may not be able to conduct any, or a full, investigation if you do not reveal your identity.

9. What happens if I do not want to reveal who I am when making an Eligible Disclosure?

We appreciate that not everyone will be comfortable revealing their identity when making an Eligible Disclosure. Given this:

- a. you may choose to reveal who you are when making an Eligible Disclosure; or
- b. you may choose to make an Eligible Disclosure on an anonymous basis, without revealing your identity. Given it may be practically difficult for you to withhold your identity from a Responsible Person, if you want to make an anonymous disclosure, it may be easier for you to speak with Stopline.

If you choose to reveal your identity to Stopline or a Responsible Person, then Stopline or the Responsible Person may ask for your consent to reveal your identity to certain persons within Red Cross (for example, they may ask your permission to reveal your

identity to the Red Cross Investigation Team). If you decline to pass on your identity, then neither Stopline nor the Responsible Person will disclose your identity to any person other than to a Government Authority. Please note that your identity may be passed on to a Government Authority as authorised or required by law, regardless of whether you agree to this or not.

If you do not consent to your identity being disclosed:

- a. the information you disclose (but not your identity) may be disclosed to others, for example, for the purposes of investigating the conduct; and
- b. all reasonable steps must be taken to reduce the risk of revealing your identity. These steps might include, for example, redacting certain documents and using pseudonyms.

10. How will Red Cross deal with or investigate an Eligible Disclosure?

Every Eligible Disclosure will be dealt with on a case-by-case basis. In some circumstances, a decision may be made to not investigate an Eligible Disclosure (for example, where the Eligible Disclosure is considered trivial or where the identity of the discloser has not been provided and there is insufficient information provided in the Eligible Disclosure). Typically, and subject to the circumstances of the case, the following steps may be taken upon receipt of an Eligible Disclosure (not necessarily in this order):

- a. unless you choose to remain anonymous, you may receive a formal acknowledgement that Red Cross has received your disclosure;
- b. a preliminary assessment may be undertaken about:
 - (i) whether the disclosure is an Eligible Disclosure. You will be notified if the disclosure is not considered to be an Eligible Disclosure and if the matter is better dealt with under another policy;
 - (ii) whether to conduct an investigation. It may not be appropriate to conduct an investigation in some cases (for example, where the identity of the discloser has not been identified and there is a lack of sufficient information);
 - (iii) how to conduct any investigation (for example, the investigation may be conducted formally or informally, or it may be conducted internally or externally);
- c. you may be asked to provide further particulars (such as the date, time and circumstances of the conduct in the Eligible Disclosure) and/or relevant documents;
- d. relevant witnesses may be interviewed and evidence may be collected;
- e. persons named in the Eligible Disclosure may be given an opportunity to respond to any allegations concerning them;
- f. a finding may be made as to whether any allegations are substantiated;
- g. disciplinary action may be considered and taken if allegations of wrongdoing are substantiated; and
- h. subject to confidentiality considerations, we may share with you (and any person named in the Eligible Disclosure) that the investigation has been completed and whether any allegations you have raised have been found to be substantiated or not substantiated, to the extent permitted by law.

If you make an Eligible Disclosure on an anonymous basis with Stopline, and would like an update, you will need to contact Stopline to request an update on the progress of your Eligible Disclosure.

In any investigation, findings of fact are generally made by the investigator on the balance of probabilities. The strength of evidence required to prove an allegation generally increases with the seriousness of the allegation.

The length of time it will take to deal with an Eligible Disclosure will depend on all the circumstances of the case (including, for example, the complexity of the matter and the number and availability of witnesses). Red Cross aims to deal with all Eligible Disclosures as expeditiously as practicable in the circumstances.

11. What protections will Red Cross give me if I make an Eligible Disclosure?

Red Cross endeavours to provide natural justice and fair treatment to any person who makes an Eligible Disclosure.

Red Cross wants to encourage a culture of people making Eligible Disclosures without fear of reprisal or unlawful victimisation. Given this, certain protections are available to people who make Eligible Disclosures under this policy, under the Legislation and other laws. This policy is not intended to exhaustively describe the protections available at law and you should refer to the Legislation for more information.

If you make an Eligible Disclosure, Red Cross will:

- a. not subject you to a material detriment on the ground that you have made the Eligible Disclosure;
- b. not disclose your identity to any person (other than to a Government Agency) without your consent;
- c. take all reasonable steps to reduce the risk that you will be identified in any investigation conducted by Red Cross to the extent that you choose to remain anonymous (including, for example, by using pseudonyms or redacting certain material);
- d. take all reasonable steps to ensure that documents kept in relation to the Eligible Disclosure are stored in a well secured location;
- e. provide you with a contact person (unless you choose to remain anonymous) who may:
 - o keep you informed about the general progress of your Eligible Disclosure (including estimated timeframes);
 - o check in on your general welfare from time to time;
 - o be reasonably available to discuss the process with you and answer any questions you might have; and
 - o listen and respond to any concerns of retaliatory activity;
- f. provide referrals to counselling services, an Employee Assistance Program (if appropriate) or other support; and
- g. provide you with any other protections required by law.

Red Cross will take into consideration any submissions made by you about the conduct of the investigation. If an agreement is reached in writing about particular steps that are to be taken or particular conditions that are to be imposed as part of the investigation process, Red Cross will honour such commitments to the maximum extent permitted by law.

Red Cross will give reasonable consideration to any other requests for support that are made by a person who has made an Eligible Disclosure.

12. What support will Red Cross give to people who are the subject of my Eligible Disclosure?

Red Cross endeavours to provide natural justice and fair treatment to any person who is accused of wrongdoing in an Eligible Disclosure. Although every Eligible Disclosure will be dealt with on a case-by-case basis, the process may include providing the person with:

- a. notice and details of any allegations that have been made about them that are not trivial and that have potentially been made on reasonable grounds;
- b. a reasonable opportunity to respond to the allegations within a reasonable timeframe;
- c. referral to a counsellor, an Employee Assistance Program (if appropriate) or other support;
- d. subject to confidentiality considerations, notice that the investigation has been completed and whether any allegation against the person has been found to be substantiated or not substantiated, to the extent permitted by law; and
- e. a contact person, who may endeavour to:
 - o keep the person informed about the general progress of the investigation (including estimated timeframes);
 - o check in on the person's general welfare from time to time;
 - o be reasonably available to discuss the process and answer any questions the person might have; and
 - o listen and respond reasonably to any concerns the person raises about the process.

Red Cross will take into consideration any submissions made by the person about the conduct of the investigation. If an agreement is reached in writing about particular steps that are to be taken or particular conditions that are to be imposed as part of the investigation process, Red Cross will honour such commitments to the maximum extent permitted by law.

Red Cross will give reasonable consideration to any other requests for support that are made by a person who is referred to in an Eligible Disclosure.

13. Victimisation

It is an offence under the Legislation to subject a person to a detriment on the ground that they have made, or propose to make, an Eligible Disclosure.

A detriment includes:

- a. dismissal of an employee or volunteer;
- b. injury of an employee in their employment;
- c. alteration of an employee or volunteer's position or duties to their disadvantage;
- d. discrimination between an employee and other employees of the same employer;
- e. discrimination between a volunteer and other volunteers of the same organisation;
- f. harassment or intimidation of a person;
- g. harm or injury to a person, including psychological harm;
- h. damage to a person's property;

- i. damage to a person's reputation;
- j. damage to a person's business or financial position; and
- k. any other damage to a person.

A Red Cross person who subjects another person to a detriment on the ground that they have made, or propose to make, an Eligible Disclosure is in breach of this policy and may face disciplinary action (which may include, in the case of an employee, termination of employment).

14. Provision for review

If you have made an Eligible Disclosure and:

- a. you have reasonable grounds to believe that retaliatory action has been taken or you believe you have otherwise suffered an unlawful detriment; or
- b. you have a genuine and reasonable concern that the disclosure has not been adequately dealt with;

you may discuss the matter with your nominated contact person or refer the matter to the President of the Red Cross Society.

The President may take any further steps that she or he determines are appropriate in the circumstances, or decide not to take any further action. If the President is the subject of the Eligible Disclosure, another member of the Board will be selected to determine any further steps that they determines are appropriate in the circumstances, or decide not to take any further action.

15. Confidentiality

All persons involved in an Eligible Disclosure (including a person who makes an Eligible Disclosure, a person who is a witness in connection with an Eligible Disclosure, a person in the Red Cross Investigation Team, and a person who is subjected to an allegation in connection with an Eligible Disclosure), are under a strict duty to maintain confidentiality in accordance with this policy in respect of the Eligible Disclosure, any investigation process and any investigation outcome. If you wish to discuss or obtain an exception to confidentiality, you must raise this with your contact person.

16. Malicious or vexatious reporting

Intentionally making a false disclosure, or making a disclosure without a proper and reasonable basis, is a serious matter and, depending on the circumstances, may result in disciplinary action against the discloser (including potentially suspension or dismissal of a volunteer or an employee, termination of a contract or other legal action).

17. Reporting by Red Cross to external authorities

Once Red Cross is aware of the Eligible Disclosure, at any stage Red Cross may choose (or may be required by law) to report the concern to a Government Authority.

18. Training to potential recipients of a disclosure

Red Cross will provide training to all Responsible Persons and Stopline in relation to the contents of this policy.

19. Breach of this Policy

Disciplinary action may be taken (including termination of employment or cancellation of membership) if there is any breach of this policy.

20. Status of this Policy

This policy is not intended to impose enforceable obligations upon Red Cross (whether contractual or otherwise).

21. Availability of this Policy

This policy will be made available to all staff on The Lounge and will also be available on www.redcross.org.au.

22. Review

This policy was approved by the Board on 24 September 2021. Red Cross will endeavour to review this policy at least every 2 years.

Appendix – Definitions

In this policy:

Government Authority means:

- a. the Australian Federal Police;
- b. a legal practitioner for the purpose of obtaining legal advice or representation in relation to the operation of whistleblower legislation;
- c. the Commissioner of Taxation, if your report concerns tax matters;
- d. the Australian Securities and Investments Commission or the Australian Prudential Regulatory Authority; or
- e. a Commonwealth or State government authority if the disclosure is made by ASIC, APRA, or the Australian Federal Police.

Legislation means Part 9.4AAA of the *Corporations Act 2001*.

Other Legislation means the *Insurance Act 1973*, the *Life Insurance Act 1995*, the *Banking Act 1959*, the *Financial Sector (Collection of Data) Act 2001*, the *National Consumer Credit Protection Act 2009*, the *Superannuation Industry (Supervision) Act 1993*; and any instruments made under these laws.

Red Cross Investigation Team means individuals tasked with investigating the Eligible Disclosure. This team is usually made up of either:

- (for employees or volunteers) representatives of Human Resources, representatives of Legal, representatives of Finance and other subject matter experts as needed; or
- (for members) representatives of the relevant Divisional Advisory Board.