

WHISTLEBLOWER POLICY

Workpower



WHERE THIS POLICY APPLIES

This policy applies throughout Workpower.



RELEVANT LEGISLATION



Fair Work Act 2009 (Cth)



Privacy Act 1988 (Cth)



Corporations Act 2001 (Cth)



Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)



National Disability Insurance Scheme Act 2013



National Disability Insurance Scheme Code of Conduct 2018



National Disability Insurance Scheme Complaints Management & Resolution Rules 2018



RELATED DOCUMENTS



Whistleblowers Procedure

OBJECTIVE

Workpower is committed to meeting our legal and ethical obligations. We are committed to a culture of transparency and we encourage employees, contractors, customers and other stakeholders to speak up about their issues and concerns, either through management, human resources and other functions or via this policy.

This policy provides a confidential process and service, to employees (paid and unpaid), contractors, suppliers (paid and unpaid), an individual who is an associate of Workpower, customers of Workpower, and the relatives and dependents of the above. It offers an avenue for reporting concerns about the business or individual's behaviour. This includes a good faith suspicion of violations of Workpower's policies and procedures, human rights, safety, environmental, financial reporting, fraud or business integrity issues.

All people are encouraged to raise a concern, which could prevent a potentially serious situation from impacting on the organisation and others.

DIFFERENCES BETWEEN THE WHISTLEBLOWER POLICY & COMPLAINTS POLICY, WHEN DOES EACH APPLY?

When someone 'blows the whistle' they are reporting matters that may cause harm to individuals or financial or non-financial loss to Workpower or damage to its reputation. The person 'blowing the whistle' may not directly be affected by the matter being reported.

This is very different from a complaint or grievance. When someone complains or raises a grievance, they are saying that they have been personally aggrieved. This could involve any number of issues where the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, cannot be anonymous.

In the case that a concern is raised by someone in the belief that it should be considered under the Whistleblower Policy and it is found that another policy applies, then anonymity may not be able to be assured.

PURPOSE

The purpose of this policy is to:

- > encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to Workpower or damage to its reputation
- > enable Workpower to deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for the secure storage of the information provided
- > establish the policies for protecting Whistleblowers against reprisal by any person internal or external to the entity
- > provide for the appropriate infrastructure
- > help to ensure Workpower maintains the highest standards of ethical behaviour and integrity.

DEFINITIONS

Complaints regarding occupational health and safety should be made through the organisation's occupational health and safety procedures.

Disclosure Officer means the person appointed by the Workpower Board to receive, investigate and report on allegations pertaining to Reportable Conduct.

Reportable Conduct is any conduct that is alleged to be:

- > dishonest, fraudulent or corrupt activity, including bribery or similar activity
- > illegal (such as theft, drug sale or use, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law)
- > unethical or wilfully in breach of or with reckless disregard to Workpower's policies (such as dishonestly altering company records or data or adopting questionable accounting practices)
- > an abuse of authority

- > potentially causing financial loss to Workpower or damage its reputation, is a serious or substantial waste of Workpower's resources or is otherwise detrimental to Workpower's interests
- > any other kind of serious impropriety.

Whistleblower is a person (being a board member, executive, manager, employee (paid or unpaid), customer (or parent of a customer), supplier or contractor (paid or unpaid), associate of Workpower or other person including relatives or dependents of the above who, whether anonymously or not, makes or attempts to make a report in connection with Reportable Conduct and wishes to avail themselves of protection against reprisal for having made the report.

POLICY

Where a person believes on reasonable grounds that any Workpower board member, executive, manager, employee (paid or unpaid), customer (or parent of a customer), associate, supplier or contractor of Workpower (paid or unpaid) has engaged in Reportable Conduct, that person must report their concern to:

- > the CEO; or
- > if they feel that the CEO or Executive Team may be complicit in the Reportable Conduct, the Disclosure Officer.

If Reportable Conduct is reported to the CEO, the CEO may refer the matter to the Disclosure Officer for resolution in accordance with this policy.

The CEO or the Disclosure Officer, whomever is responsible to resolve the matter, shall, based on what they have been informed, conclude whether:

- > the behaviour complained of is trivial or fanciful, in which case, the allegation will be dismissed;
- > the behaviour complained is not trivial or fanciful, in which case the allegation will be properly investigated.

The Whistleblower will be informed of the decision described above and, if appropriate having regard to all of the circumstances, the outcome of any investigation.

Any investigation will observe the rules of natural justice and the provisions of procedural fairness.

Claims found to be made maliciously could be considered misconduct and may result in disciplinary action against the Whistleblower.

ANONYMITY

If the Whistleblower wishes to make their complaint anonymously, they may do so except:

- Where it is found to be a personal work-related grievance; or,
- Where Workpower reasonably believes it is required by law to disclose the Whistleblowers identity.

The Whistleblower should, however, be informed if the maintenance of such anonymity may make it less likely that the Reportable Conduct can be substantiated in any subsequent investigation.

Where anonymity has been requested, the Whistleblower is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons. Whistleblowers are not authorised to inform commercial media or social media of their concern and are not offered protection if they do so.

PROTECTION OF WHISTLEBLOWERS

A Whistleblower shall not suffer any disadvantage from Workpower and Workpower will take all reasonable steps to ensure that no-one within Workpower disadvantages the Whistleblower on account of their report of Reportable Conduct, provided that the Whistleblowers actions:

- > are in good faith
- > are based on reasonable grounds
- > conform to the designated procedures.

The CEO or Disclosure Officer (as appropriate) shall designate an officer to be responsible for ensuring that the Whistleblower suffers no disadvantage in respect of their relationship with Workpower on account of their actions in this matter and to provide additional support for the Whistleblower where necessary. Reporting Reportable Conduct does not necessarily absolve the Whistleblower from the consequences of any involvement on their own part in any misconduct that is reported.

PROTECTION OF FILES AND RECORDS

All files and records created from an investigation will be retained under strict security. Unauthorised release of information to someone not involved in the investigation (other than senior managers or directors who need to know to take appropriate action, or for corporate governance purposes) without the consent of the Whistleblower will be a breach of this policy.

Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under Workpower's disciplinary procedures.

REPORTING PROCESSES

Disclosures made under this policy will be dealt with according to Workpower's Whistleblower Procedure.

The CEO or Disclosure Officer (as appropriate) will report to the Workpower Board on the number and type of reports made in accordance with this policy, every 6 months and more frequently as required by the Workpower Board.

In addition, the CEO and the Disclosure Officer (as appropriate) may bring any matter reported to them the Workpower Board's attention, as they deem necessary. Serious and/or material Reportable Conduct will be considered by the Disclosure Officer for immediate referral to the Workpower Board.

These reports will be made on a 'no names' basis, maintaining the confidentiality of matters raised under this policy, except if Workpower believes that a matter must be reported to the relevant authority.

CEO AND DISCLOSURE OFFICER

Any person may make a report to the CEO;

Lee Broomhall

T (08) 9445 6545

E lee.broomhall@workpower.asn.au

Reports may also be made by post, marked Private and Confidential to:

Lee Broomhall 16/24 Parkland Road

Osborne Park WA 6017

Reports in which the CEO or Executive Team may be complicit in the Reportable Conduct are to be reported by email to the disclosure officer using the email address below.

E disclosure@workpower.asn.au

This can be done by post, marked Private and Confidential to:

Leanne Karamfiles

Workpower Disclosure Officer

16/24 Parkland Road

Osborne Park WA 6017

At any time, at the discretion of the CEO or the Chair of the Board, an internal or external person or office may be engaged to act as the Disclosure Officer who will investigate and report on allegations pertaining to Reportable Conduct.

MAKING A COMPLAINT TO NDIS

People with disability and or their nominated person can make a complaint and/or give feedback directly to the NDIS Commission.

If a person with disability or their nominated person prefers to raise their concerns or to provide feedback to the NDIS Commission, then they may do that by:

- Submitting a complaint on-line contactcentre@ndiscommission.gov.au or
- Calling the NDIS Commission on 1800 035 544