

7. **WHISTLEBLOWER POLICY**

Policy Number: G07	Effective Date: 15 th July 2020
Version: 02	Revised Date: 31 st July 2020
Drafted by: Executive Assistant	Responsible person: DD, ED
Date Approved by Board: 15 th July 2020	Scheduled Review Date: July 2023

Introduction

This Life is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance. This Life recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.

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

Additional Authority: Law and related organisational documents

Australian Law

- Protected Disclosure Act
- Equal Opportunity Act

Organisational Docs:

- Code of Conduct
- Conflict of Interest Policy
- Equal Opportunity, Valuing Diversity & Affirmative Policy
- Discrimination Sexual Harassment Policy
- Grievance Policy
- Fraud Risk Management Policy
- Beneficiary Feedback and Complaints Policy

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 This Life 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 This Life maintains the highest standards of ethical behaviour and integrity.

Scope

This policy is applicable to all This Life employees, consultants, interns and volunteers. The policy also extends to This Life's partners and associated implementing organisations.

Within this policy all of these people are represented by the term "**Workers**".

Although they are under no obligation to do so, any associate, family member or dependent 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.

Principles

Higher standard – This Policy is designed to comply with This Life’s legal obligations. If anything in this Policy is inconsistent with any law imposed on This Life, that legal obligation or the “higher standard” will prevail over this Policy.

Speak up and report it! – We encourage Workers at This Life to report any concerns in line with our policies and procedures. Any worker from This Life or a partner organisation who is aware of possible wrongdoing has a responsibility to disclose that information.

Our expectations of Workers – This Life expects Workers to act honestly and ethically, and to make any report on reasonable grounds.

Our responsibility to Whistleblowers – Our obligations to Workers are spelled out in this policy, but in particular in ‘Protection’ section.

Confidentiality and consent – This Life will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While This Life encourages Whistleblowers to identify themselves to the Whistleblowing Protection Officer (or the Executive Director where the reports concern a member of the Human Resources team), 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 This Life, and wishes to avail themselves of protection against reprisal for having made the report. A Whistleblower may be a current or former Worker with This Life. 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 This Life.

What is 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. 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 This Life’s resources
- Detrimental to This Life’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

What is not Reportable Conduct? - While everybody is encouraged to speak up and report any concerns to This Life, not all types of conduct are intended to be covered by this Policy. This Policy does not apply to complaints by service providers or clients about a service or personal work-related grievances, unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.

What is a Personal Work-Related Grievance? - Those grievances that relate to the discloser’s current or former employment with This Life that might have implications for the discloser personally but do not have any other significant implications for This Life (or another entity), or relate to any conduct or alleged conduct about a disclosable matter (as set out above).

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 do I need to make a report? - To make a protected report you must know 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 you provide as much information 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
- Evidence of the events (e.g. documents, emails)

In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

How can I make a report? - A report must be made to This Life's Whistleblowing Protection Officer who can be contacted by sending an email to hr@thislifecambodia.org (or billy@thislifecambodia.org where the reports concern a member of the Human Resources team)

This Life will also protect individuals who have made a report in connection with This Life: To the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) or another Commonwealth regulatory body prescribed in legislation

- To the relevant Cambodian Government Authorities
- To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections
- That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you 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 This Life encourages you to identify yourself to the Whistleblowing Protection Officer (or the Executive Director where the reports concern a member of the Human Resources team), you may opt to report your concerns anonymously.

Protection

How will I be protected if I speak up about Reportable Conduct? - If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, This Life will support you and anyone else assisting in the investigation.

This Life will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:

- Retaliation, dismissal, suspension, demotion, or termination of your role
- Bullying, harassment, threats or intimidation
- Discrimination, subject to current or future bias, or derogatory treatment
- Harm or injury
- Damage or threats to your property, business, financial position or reputation
- Revealing your identity as a Whistleblower without your 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 you are acting honestly and ethically and made the report on reasonable grounds.

This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct 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 you believe you have suffered a detriment in violation of this Policy, we encourage you to

report this immediately to the Whistleblowing Protection Officer (or the Executive Director where the reports concern a member of the Human Resources team), or an external body under this Policy. Your 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.

You may also be entitled to the following legal protections for making a report in Australia, although it falls beyond This Life's responsibility to administer them:

- Protection from civil, criminal or administrative legal action
- Protection from having to give evidence in legal proceedings
- Compensation or other legal remedy

How will This Life ensure confidentiality? - A whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. This Life will do all it can to protect confidentiality. However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. This Life will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures. Please note, if This Life finds that the disclosure relates to legal misconduct, it may be obligated to report to legal authorities and anonymity may not be protected in that case.

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

- You consent 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 Corporations Act 2001 (Cth)
- Disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare

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 you feel that your confidentiality has been breached, you can lodge a complaint with a relevant regulator for investigation. This Life 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

Upon receiving a protected disclosure, within 14 days, This Life will endeavour to assess the disclosure to determine whether it qualifies for protection, and whether formal, in-depth investigation is required. This Life will endeavour provide the discloser with regular updates.

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

Monitoring and assurance

This Policy will be available to all Workers via the HR Policies Folder in the Organisational Policies Shared Drive. To ensure effective protection under the Policy, the Human Resources Manager will monitor and review this Policy in line with the three yearly policy review rotation.

Authorisation