



MS11	MASS Staff	Whistleblower Protection Policy and Procedures
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<b>What this policy aims to do</b>	Encourage and enable employees and others to raise serious concerns in relation to any aspect of the organisation's operation or any wrongdoing
<b>Who this policy applies to</b>	The Board, Director, staff, volunteers and contractors of the organisation
<b>Who is responsible for carrying out this policy</b>	The Board, Director and responsible managers
<b>What words used in this policy mean</b>	<p>'<i>Whistleblowing</i>' means the deliberate, voluntary disclosure of individual or organisational wrongdoing by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control.</p> <p>'<i>Wrongdoing</i>' means any conduct that is dishonest, fraudulent, corrupt or illegal, such as theft, drug sale or use, violence, harassment, unethical behaviours, wilfully breaching MASS Code of Conduct, potentially damaging another employee, contractor of client such as unsafe work practices.</p>
<b>Legislation this policy is based on</b>	<p>Corporations Act 2001 (the Act)</p> <p>Treasury Laws Amendment (Enhancing Whistleblowers Protections) Act 2019</p> <p><a href="#">Victorian Human Services Standards</a></p>
<b>Other relevant policies</b>	<p>MS3 Staff Code of Conduct</p> <p>MS4 Employee Performance Management</p>

	MS9 Respect in the Workplace MS10 Staff Grievances MS12 Workplace Health and Safety HS12 Client Incident Reporting
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Version	Date	Author/Editor	Approved by	Notes
1.0	26/8/2016	Peter Lane		
1.1	30/5/2018	D Stephenson		Update format
1.2	14/6/2019	C Trenfield	S Reeves	Updated in line with Treasury Laws Amendment (Enhancing Whistleblowers Protections) Act 2019
1.3	23/7/2020	C Trenfield	S Reeves	Annual review, no change

## Whistleblower Policy

MASS aims to provide an environment where employees and others in the workplace are treated fairly and with respect. Employees are encouraged to report any wrongdoing.

MASS also aims to help provide the board, the director, employees, volunteers and contractors with a supportive work environment in which they feel able to raise issues of legitimate concern to MASS, without fear of victimisation, detriment or other retribution and provide suitable avenues for reporting of matters that may cause loss to or damage MASS's reputation.

MASS requires board members, the director, employees, volunteers and contractors to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. MASS requires all personnel to practice honesty and integrity in fulfilling responsibilities and comply with all applicable laws and regulations.

It is the responsibility of all board members, the director, employees, volunteers and contractors to report violations or suspected violations.

No board member, director, employee, volunteers or contractors who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

This policy must not be used for trivial or vexatious matters (being matters that the reporter knows, or ought to know have no substance). This policy is not intended to replace other reporting structures or grievance procedures such as those for dispute resolution, grievances, equal opportunity, discrimination, harassment or bullying.

## Whistleblower Procedures

### Reporting of wrongdoing

- ☑ Any employee, volunteer or contractor who detects or has reasonable grounds for suspecting wrongdoing is encouraged to raise any concerns with their immediate team leader through normal reporting channels.
- ☑ The team leader will report the allegation to human resources and/or the Director who is responsible for ensuring the matter is properly dealt with. This may include appointing an independent investigator to inquire into the allegations. Alternatively, it may be appropriate to be dealt with internally.
- ☑ If the employee, volunteer or contractor does not believe reporting to their immediate team leader through normal reporting channels is appropriate given the circumstances of the wrongdoing, the report may be made directly to human resources and/or the Director who are the designated whistleblower protection officers.
- ☑ If the allegations involve human resources and/or the Director and an employee, volunteer or contractor reasonably believes that reporting the allegations to this person would not be sufficiently independent, then they should report the allegation to a Board Member.
- ☑ Where it is shown that a person purporting to be a whistleblower has knowingly made a false report of wrongdoing, then that conduct itself will be considered a serious matter. A false report includes matters the reporter knows, or ought to have known, have no substance.
- ☑ Making a false report may lead to the whistleblower being the subject of disciplinary action which may include dismissal.

### Confidentiality of whistleblowers identity and whistleblower reports

- ☑ If a person makes a report of alleged or suspected wrongdoing under this policy MASS will endeavour to protect that person's identity from disclosure. This may not occur if confidentiality is not a practical option.
- ☑ Generally, MASS will not disclose the person's identity unless:
  - > the MASS employee making the report consents to the disclosure;
  - > the disclosure is required or authorised by law, and/or
  - > the disclosure is necessary to further the investigation.
- ☑ Generally, reports made under this policy will be treated confidentially. However, when a report is investigated it may be necessary to reveal its substance to people such as other MASS personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies. At some point in time it may also be necessary to disclose the fact and the substance of a report to the person who is the subject of the report. While confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

- ☑ Unauthorised disclosure of information relating to a report, the identity of a MASS employee, volunteer or contractor who has made a report of wrongdoing or information from which the identity of the reporting person could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

### Protection of Whistleblowers

- ☑ MASS is committed to protecting and respecting the rights of a person who reports wrongdoing in good faith.
- ☑ MASS will not tolerate any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a report of wrongdoing, or against that person's colleagues, employer (if a contractor) or relatives.

For example, the person must not be disadvantaged or victimised by having made the report by:

- > Dismissal;
- > Demotion;
- > Any form of harassment;
- > Discrimination;
- > Current or future bias; or
- > Threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

- ☑ If a person who makes a report is implicated in the wrongdoing, that person must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.
- ☑ The act of Whistleblowing does not, of itself, protect the person from any reasonable consequences flowing from any involvement in Wrongdoing. A person's liability for his or her own conduct is not affected by the person's disclosure of that conduct. However, the reporting of the Wrongdoing, cooperation with any investigation, or an admission by the person may be a mitigating factor when considering disciplinary or other action to be taken against them.

### Investigation

- ☑ All reports of alleged or suspected wrongdoing made under this policy will be properly assessed, and if appropriate, independently investigated with the objective of locating evidence that either substantiates or refutes the claims made by the whistleblower.
- ☑ Human Resources and/or the Director will be responsible for ensuring the proper conduct of the investigation, which may include appropriate instruction and oversight of a third party appointed to conduct an investigation.

## Whistleblower Procedures

- ☑ The investigation will not be conducted by a person who may be the subject of the investigation or has inappropriate links or connections (actual or perceived) to the person(s) or practice(s) under investigation.
- ☑ Human Resources and/or the Director will keep the whistleblower informed of the outcomes of the investigation to his/her report subject to the considerations of privacy of those against whom the allegations have been made.

Throughout the assessment and investigation process MASS will treat fairly the person who is the subject of a report.

- ☑ If, following an investigation, the allegations are found not to be substantiated, then any documents relating to the investigation will be handled confidentially, subject to disclosures to the appropriate members of management or the Board, as appropriate.