
1.19 WHISTLEBLOWER PROTECTION

Version Control:

Version	Reason for Change	Date Effective
6.0	New Policy	22 January 2018

Name	Position	Signature	Date
S Smith	Chief Executive Officer		

Whistleblower Protection

Introduction

Breast Cancer Trials (**BCT**) is committed to high levels of professionalism, integrity, ethical behaviour, accountability and good corporate governance in its operations. We recognise that, in this context, it is important to promote a work culture in which staff feel comfortable raising concerns about corrupt, illegal or otherwise undesirable conduct without fear of victimisation or reprisals.

This policy is one of a number of policies and procedures that promote an ethical and compliant work culture at BCT. This policy outlines the protections that BCT has put in place to allow disclosures of wrongdoing to occur. This policy does not form part of any contract of employment, and may be varied from time to time.

If you have any questions about this policy, please contact the People Performance and Culture Business Partner.

1. Purpose

The purpose of this policy is to:

- (a) encourage staff to report suspected Reportable Conduct as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that, to the extent possible, their confidentiality will be maintained;
- (b) provide staff with guidance about how to raise those concerns; and
- (c) reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken about those concerns.

2. Scope and application

- (a) This policy applies to all BCT **Staff Members** – that is, officers, employees, contractors and volunteers.
- (b) For the purpose of this policy, a **Whistleblower** is any Staff Member who makes a report of Reportable Conduct on the basis of a reasonably held belief and in good faith.
- (c) This policy should not be used for complaints relating to personal grievances that employees of BCT may have about their work. In those circumstances, employees should have regard to the BCT Grievance Management Policy.

3. What is “Reportable Conduct”?

Examples of Reportable Conduct include, but are not limited to:

- (a) a breach of regulations or laws;
- (b) a breach of BCT’s Code of Conduct;
- (c) unethical, dishonest or corrupt behaviour, including soliciting, accepting or offering a bribe, facilitation payments or other such benefits;
- (d) fraudulent activity;
- (e) illegal activity in the workplace (including theft, drug sale or use, violence or threatened violence and property damage);
- (f) impeding internal or external audit processes;
- (g) a serious impropriety;
- (h) unsafe work practices;
- (i) concealment of wrongdoing; or
- (j) any other conduct that may cause loss to BCT or otherwise be detrimental to its operations.

4. Making a Report

A Whistleblower can make a report of Reportable Conduct (**Report**) either internally (through BCT) or externally, through a dedicated service provider, Integrity Line.

Where possible, and irrespective of whether the internal or external process is used, the Report should contain, as appropriate, details of:

- (a) the nature of the Reportable Conduct;
- (b) the person or persons responsible for the Reportable Conduct;
- (c) the basis on which the Whistleblower reasonably believes the Reportable Conduct has occurred (or will occur); and
- (d) the nature and whereabouts of any further evidence that would substantiate the Whistleblower's Report, if known.

Nothing in this policy is intended to prevent a Whistleblower from raising concerns about wrongdoing with the relevant statutory regulator or the police. However, Staff Members should be aware that a regulator may refer the matter back to BCT to address at first instance.

4.1 Internal Reporting

Depending on the nature of the Reportable Conduct, a Whistleblower is encouraged to first discuss their concern with their Supervisor.

If the Whistleblower does not feel comfortable speaking with their Supervisor for any reason, they can raise the Reportable Conduct with the People Performance and Culture Business Partner (**Whistleblower Protection Officer**).

4.2 External Reporting

BCT recognises that a Whistleblower may prefer to not make a Report through BCT's internal process. In those circumstances, and to ensure that Whistleblowers are able to report Reportable Conduct, BCT has engaged the services of STOPine to receive reports of Reportable Conduct on BCT's behalf. STOPine is an independent and secure reporting channel where Reportable Conduct can be reported by phone or online on an identified or anonymous basis.

STOPine can be contacted as follows:

Phone:	1300 30 45 50
Fax:	03 9882 4480
Email:	bctrails@stopline.com.au
Post:	Locked Bag 8, Hawthorn VIC 3122
App:	Search for STOPine for free app (iTunes and Google Play)

Whistleblowers should be aware that while BCT seeks to preserve anonymity when it is requested to do so, it is more difficult to investigate and take action in relation to Reportable Conduct that is made anonymously. Also, maintaining the anonymity of the whistleblower's identity may be difficult if the nature of the Reportable Conduct points to a particular individual or individuals having made it.

There may also be circumstances in which BCT will require a Whistleblower's consent to disclose their Report and/or identity to effectively address the allegations made. Examples of this include, but are not limited to some situations where a Report alleges breaches of the *Corporations Act 2001* (Cth) (**Corporations Act**).

5. Investigations

After receiving a Report, whether internally or externally, BCT will appoint a suitably placed person (**Whistleblower Investigation Officer**) to consider the Report and determine the most appropriate process for addressing it.

As part of this preliminary process, the Whistleblower Investigation Officer will assess whether the Report requires investigation. For a Report to be investigated, it must contain sufficient information to form a reasonable basis for investigation. For this reason, a Whistleblower reporting anonymously, via Integrity Line, should provide as much information as possible so as not to compromise an investigation.

If an investigation is required, the Whistleblower Investigation Officer will seek to locate evidence that either substantiates or refutes the Report. BCT aims to ensure that investigations are conducted in a fair and objective way, having regard to the principles of procedural fairness and the need for appropriate confidentiality.

Unless it is inappropriate to do so, BCT will ensure that the Whistleblower is kept informed of the outcomes of the investigation, subject to the considerations of privacy of those against whom allegations are made and any other issues of confidentiality.

If BCT has decided not to investigate a Report, or where the allegations made in the Report have not been substantiated, and if the Whistleblower is not anonymous, BCT will explain the outcome to the Whistleblower, subject to any privacy and confidentiality rights.

6. Substantiated Reports

If allegations made in a Report are found to be substantiated, the matter will be referred to the Chief Executive Officer for consideration.

The Chief Executive Officer will notify the BCT Board of Directors of the findings of the investigation and, where appropriate, provide a list of recommendations to address the issues raised. These recommendations may include suggestions on what action should be taken to remedy any harm or loss arising from the conduct in question (including disciplinary proceedings against the person responsible for the conduct) and the referral of the matter to appropriate authorities as is deemed necessary.

7. Protection and support for Whistleblowers

BTC is committed to ensuring, to the extent possible, confidentiality in respect of all matters raised under this policy, and that Whistleblowers who make a report in good faith are treated fairly and do not suffer any disadvantage.

7.1 Protection of identity and confidentiality

Subject to compliance with legal requirements, BCT will not disclose any particulars that would suggest or reveal a Whistleblower's identity without first obtaining their consent.

It is important to note, however, that in certain circumstances BCT may be compelled by law to disclose the Whistleblower's identity. For example, disclosure might be required in legal proceedings or where the Reportable Conduct involves a threat to life or property, or may potentially involve illegal activities.

7.2 Protection of files and records

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

7.3 Protection from reprisal

Reprisal action occurs when a Whistleblower, or potential Whistleblower, is subjected to any detrimental treatment, whether by act or omission, as a result of disclosing alleged Reportable Conduct in accordance with this policy, or as a result of someone else's belief that the person has disclosed or will disclose alleged Reportable Conduct in accordance with this policy.

Examples of reprisal action include discrimination, bullying and harassment, victimisation, termination of employment, physical violence or threats of physical violence.

BCT aims to protect Whistleblowers from reprisals. A Whistleblower who is subjected to reprisal action, or threatened reprisal action, should immediately inform the Whistleblower Protection Officer. Whistleblowers can speak to the Whistleblower Protection Officer about the possibility of temporary work reassignment or leave of absence during an investigation where it will not be possible to maintain the anonymity of the Whistleblower.

Anyone found to have engaged in reprisal action may be subject to disciplinary action, up to and including dismissal of an employee, termination of a contract or other legal action.

7.4 Statutory protection

The Corporations Act contains protections for Whistleblowers who provide disclosures about Corporations Act breaches including:

- (a) protection against civil or criminal litigation (including a case for breach of contract) for protected disclosures;
- (b) making it a criminal offence to victimise or threaten the Whistleblower because of a protected disclosure made by the Whistleblower. If a Whistleblower suffers damage because of such victimisation, the Whistleblower may also be entitled to claim compensation for that damage from the offender; and
- (c) an obligation to keep information provided by a Whistleblower confidential.

These protections are only available where the following conditions are satisfied:

- (a) the Whistleblower is an officer, employee or contractor (or employee of a contractor) of the BCT;
- (b) the Whistleblower's report is made to:
 - (i) BCT's auditor, or a member of BCT's audit team;
 - (ii) a director, secretary or senior manager of BCT;
 - (iii) a person authorised by BCT to receive reports; or
 - (iv) the Australian Securities and Investments Commission (ASIC);
- (c) the Whistleblower gives their name before making the report (i.e. the report is not anonymous); and
- (d) the report is made in good faith, and the Whistleblower has reasonable grounds to suspect that there has, or may have, been a breach of the Corporations Act by BCT or any of its officers or employees.

Employee Assistance

During any investigation into Reportable Conduct, all Staff Members will have access to BCT's Employee Assistance Program, the details of which can be found at:

<http://intranet.anzbctg.org.au/content.aspx?page=eap>

8. False or Malicious Disclosure

BCT takes concerns about Reportable Conduct very seriously. If it is found that a Staff Member has knowingly made a false or malicious Report, the Staff Member will not be afforded the protections outlined in this policy and will be subject to disciplinary action, up to and including dismissal or termination of contract.

9. Media

This policy does not authorise any Staff Member to inform commercial media or social media (including but not limited to Facebook, Twitter, LinkedIn) of their concern(s) about Reportable Conduct, and BCT will not offer protection to any Staff Member who does so.

10. Monitoring and training

BCT will monitor and review this policy regularly to assess its effectiveness in encouraging the reporting of Reportable Conduct, protection of persons making Reports, and investigation of Reports.

Education and training about the procedures relevant to this policy will be provided to those involved in managing or investigating disclosures.

Additional Information:

- 1.1 Code of Conduct
- 1.2 Grievance Management Policy
- 1.3 Privacy and Confidentiality
- 1.4 Information Technology Code of Use
- 1.11 Managing Staff Performance and Misconduct
- 1.16 Media Communications
- POL024 STOPLine Reporting Flowchart