

Whistleblower Policy & Procedure

1. Purpose & Scope

The purpose of this policy & procedure is to:

- Encourage the reporting of misconduct within Unison Housing Ltd and its controlled entities (Unison) and by related individuals or entities.
- Ensure that reports of misconduct are properly and lawfully dealt with and investigated in a way that, as much as possible, protects the identity of the person making the report.
- Establish procedures to protect Whistleblowers from harm or detriment.

This policy & procedure applies to anyone who has worked or is working for Unison, and includes past and current:

- board members.
- employees and volunteers.
- individuals who supply goods and services to Unison, and their employees.
- commissioned agents and consultants or contractors.
- a spouse, relative, or a dependent of any individual referred to above.

2. Policy Statement

The Board of Unison Housing Ltd and its controlled entities (**Unison Board**) is committed to maintaining high ethical standards and accountability in all its activities to internal and external stakeholders, and to promoting and supporting a culture of respect and ethical behaviour, corporate compliance and good governance. The Unison Board encourages all employees to raise any concerns and report instances of unethical, illegal or fraudulent conduct, where there are reasonable grounds to suspect such conduct, without fear of intimidation or disadvantage.

2.1 Who is a Whistleblower?

A whistleblower is any person to whom this policy & procedure applies that makes a report of misconduct that they have seen or on reasonable grounds suspects has occurred or is occurring at Unison (Whistleblower).

2.2 What is misconduct?

For a whistleblower report to be protected, the whistleblower must have reasonable grounds to suspect that the information they are reporting:

- is about misconduct or an improper state of affairs or circumstances in relation to Unison.
- is an offence against, or a contravention of the *Corporations Act 2001*, the Australian Securities and Investment Commission Act 2001, the Banking Act 1959, the Financial Sector (Collection of Data) Act 2001, the Insurance Act 1973, the Life Insurance Act 1995, the National Consumer Credit Protection Act 2009, the Superannuation Industry (Supervision) Act 1993 or any other

law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.

- represents a danger to the public (e.g. public safety) or the financial system (including conduct which does not breach a particular law).

In this policy & procedure, these types of conduct are referred to as “misconduct”. Examples of conduct which could be a misconduct include:

- corrupt or illegal conduct.
- theft or fraud.
- conduct that poses a significant risk to health and safety.
- serious, inappropriate or unethical conduct.
- a serious misuse of information.
- bullying, discrimination, harassment or other serious unacceptable behaviour that goes beyond the circumstances of the individual and suggests a systemic issue at Unison.
- a serious breach of Unison’s policies and procedures or the law.
- an abuse of public trust or a serious or substantial waste of company or public resources.
- conduct causing substantial financial or non-financial loss or detriment to Unison.
- acts or threats of physical or emotional harm.

2.2.1 Personal work grievances

This policy & procedure does not apply to personal work-related grievances. Grievances of this nature should be discussed with the People Team.

Examples of personal work grievances include:

- an interpersonal conflict between a person to whom this policy & procedure applies and another Unison employee (or former Unison employee or volunteer).
- a decision that does not relate to a breach of workplace laws.
- a decision relating to the engagement, transfer or promotion of a Unison employee or former Unison employee.
- a decision to discipline, suspend or terminate the employment of a Unison employee or former Unison employee.

A personal work-related grievance may still qualify for protection if:

- it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report).
- the entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser’s personal circumstances.
- the discloser suffers from or is threatened with detriment for making a disclosure.
- the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

2.3 Protected reports

To be eligible for the legal protections outlined in this policy & procedure, a person must:

- be an eligible Whistleblower ([see 2.1](#)).
- have reasonable grounds to suspect Misconduct in relation to Unison ([see 2.2](#)).
- report your concerns to an eligible recipient or certain other persons ([see 2.4](#)).

If a report doesn't meet the above criteria, Unison still encourages a person to raise their concerns. However, only reports that satisfy all three of these criteria receive the legal protections outlined in this policy & procedure.

2.4 Reporting misconduct

Who can a Whistleblowing Report be made to?

2.4.1 External reporting process

In the first instance, a whistleblower reports any instances of misconduct to the nominated external service provider.

Unison has engaged an independent service provider Your Call Whistleblowing Services (Your Call) to allow Whistleblowers to make a Whistleblower Report anonymously and confidentially and to ensure that Unison becomes aware of the Whistleblower Report and can address the concerns raised by this report promptly.

It is preferred that all Whistleblower Reports are made directly to Your Call either via its website <https://www.yourcall.com.au/report> (identifier code: UNISON) available 24/7 or by telephone phone hotline 1 300 790 228 (available between 9am and 12am on recognised Australian national business days (AEST)).

Persons who are deaf, or have a hearing or speech impairment, you can contact Your Call through the National Relay Service (www.relayservice.gov.au) and request Your Call's telephone hotline.

Whistleblowers are not required to identify themselves when making a Whistleblower Report but may choose to do so. Your Call allows Whistleblowers to:

- Remain completely anonymous.
- Disclose their identity to Your Call only and not to Unison.
- Disclose their identity to both Your Call and Unison.

All Whistleblower Reports can be made anonymously and confidentially regardless of whether they are made to Your Call or to the other persons listed above.

2.4.2 What other channels can a Whistleblowing Report be made to?

A report of misconduct (Whistleblower Report) can, under the Corporations Act 2001, be made directly to specified Eligible Recipients including:

- a Unison Board Director or the Unison Executive being the CEO, Director People, Director Asset Management, Deputy CEO/Company Secretary, or Director Housing and Homelessness of Unison.
- Unison’s auditors (Pitcher Partners) by phone (03) 8610 5136 – audit partner Mark Harrison.
- the Australian Securities and Investments Commission (ASIC) through its online misconduct reporting form or by writing to ASIC.
- an individual’s lawyer.

If a Whistleblower Report relates to a matter of public interest or an emergency a Whistleblower may also be able to make a Whistleblower Report to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or to a journalist, provided that certain conditions are met.

Information about these conditions is available at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/Whistleblower-rights-and-protections/>.

It is important that a Whistleblower understands these conditions before making a Whistleblower Report about a public interest or emergency situation. A Whistleblower should also contact an independent legal advisor before making a Whistleblower Report about a public interest or emergency situation.

2.5 What information should be reported?

A Whistleblower Report should include as much information and evidence as possible, including where possible:

- the name, job title and workplace address of the person/s who are the subject of the report.
- details of the alleged misconduct including dates and places.
- how the alleged misconduct was detected.
- names of anyone who may substantiate the report of misconduct.
- and any other evidence that supports the report of misconduct, such as email, documents or CCTV.

2.6 What happens after a Whistleblower Report is made to Your Call?

When a Whistleblower Report is made to Your Call, Your Call:

- makes a record of the information reported by the Whistleblower.
- provides the Whistleblower with access to the Your Call Message Board.
- refers the reported information to the Unison’s Whistleblowing Protection Officer (WPO) (whilst keeping the identity of the Whistleblower confidential where this has been requested by the Whistleblower) within one business day of the receipt of a Whistleblower Report. If a

Whistleblower states in their Whistleblower Report that a WPO is implicated in the matter, the Whistleblowing Report is not provided to that WPO.

2.6.1 Role of WPO

Unison's WPO is Unison Director People or in the alternative the Company Secretary/Deputy CEO, or Chair of the Finance, Audit & Risk Committee (FARCOM). The WPO is also an eligible recipient. They can be contacted in the following manner:

- Via email: Director People (To be confirmed)
Deputy CEO/Company Secretary: sjohnston@unison.org.au or
Chair FARCOM whistleblower@unison.org.au
- Via post: Addressed to Whistleblower Protection Officer, 117 Berkeley Street, Melbourne, VIC, 3000.
- In person.

The role of the WPO is:

- to receive the initial Whistleblowing Report as recorded by Your Call (and any additional information provided to them through the Your Call Message Board (described below)).
- to determine whether the Whistleblowing Report should be investigated (i.e. whether the Whistleblowing Report is a report of misconduct as outlined in this policy & procedure and the [Corporations Act 2001](#)) and if so, whether there is enough information to enable an investigation to take place.
- to determine the appropriate investigation process, including:
 - the nature and scope of the investigation.
 - who conducts the investigation and whether that person is external to Unison.
 - the nature of any technical, financial or legal advice that may be required; and
 - a timeframe for the investigation.
 - take all reasonable steps to ensure the identity of the Whistleblower and the person/s who are the subject of the Whistleblower Report are kept confidential.
 - if necessary, appoint a welfare officer to support and protect the Whistleblower from detriment or victimisation.

2.6.2 Purpose of the Your Call Message Board

The Your Call Message Board allows the Whistleblower to have ongoing anonymous communication with Your Call and Unison's WPO. The Message Board can be used by the Whistleblower to receive updates, share further information/evidence and request support or report retaliation. Your Call remains the intermediary at all times, receiving and forwarding communication between all parties.

If a Whistleblower cannot access the Your Call Message Board, they can contact Your Call on 1 300 790 228 for verbal updates.

2.7 Investigation of Whistleblower Report

2.7.1 Conduct of the investigation

Once the WPO has considered the nature and scope of the investigation, and determined who is appointed to undertake the investigation, it is the role of the appointed investigator to conduct the investigation in a constructive, impartial and lawful way according to the principles of natural justice and procedural fairness. This includes undertaking the following actions:

- Reviewing the information provided by the Whistleblower and the WPO (which the WPO obtains, in part, from the Your Call Message Board).
- Gathering any additional relevant information, material and documentation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment.
- Where appropriate, ensure that the person/s who are the subject of any Whistleblowing Report that is investigated:
 - Are informed as to the substance of the allegations that have been made against them and that they are being investigated.
 - Are given the opportunity to answer the allegations before any investigation is finalised.
 - Are informed about the substance of any adverse comments that may be included in any report arising from the investigation; and
 - has their defence set out fairly in any Investigation Report.
- Interviewing any witnesses to the circumstances outlined in the Whistleblower Report.
- Keeping records of and storing all information gathered in the investigation in a secure location.
- Taking all reasonable steps to ensure the identity of the Whistleblower and the person/s who are the subject of the Whistleblower Report are kept confidential.
- Prepare a report of their findings and determination (Investigator's Report) as soon as is reasonably practical.
- Subject to privacy and confidentiality requirements, provide the Whistleblower with information regarding the progress of the investigation and the outcome of the investigation.

2.7.2 Investigator's report

The investigator's report contains:

- A finding of all relevant facts.
- Whether the Whistleblower Report is proven, not proven or otherwise.
- A recommendation/s as to any action that may need to be taken in respect of the findings.

The Investigator's Report is provided to one of the WPOs. Where required to do so by law, the WPO who received the Investigator's Report then refers the information contained in the Investigator's Report to the relevant external authorities.

2.8 Confidentiality of information and Unauthorised disclosure of Whistleblower's identity

Information received under this policy & procedure is held in the strictest confidence and is only disclosed to the appropriate persons within Unison to the extent necessary to investigate the report and take action as appropriate.

Where information is disclosed, those who have access to the information are informed of the confidentiality requirements and the protections for whistleblowers as outlined in this policy & procedure.

Where a whistleblower does not consent to their identity being disclosed as part of a report, the whistleblower's identity or information that is likely to lead to the identification of the whistleblower is not disclosed (except as outlined below).

However, a person who is dealing with the whistleblower report may disclose information that is reasonably necessary for the purposes of investigating the whistleblower report. If this occurs, all reasonable steps are taken to reduce the risk that the whistleblower is identified as a result of the report.

Without the whistleblower's consent, the whistleblower report can still be passed on to ASIC, APRA, the Commissioner of Taxation or the Australian Federal Police for investigation or to a legal practitioner for the purpose of obtaining advice or legal representation.

The release of information in breach of this policy & procedure is regarded as a serious matter and may be the subject of disciplinary action up to and including dismissal or termination of engagement.

Unison (its officers and employees) have a legal obligation to protect the confidentiality of a Whistleblower's identity. Any unauthorised disclosure of the identity of a Whistleblower or information that is likely to lead to the identification of the Whistleblower is an offence under the *Corporations Act 2001* that carries serious penalties.

Any Unison staff member who makes an unauthorised disclosure of the identity of a Whistleblower or discloses information that is likely to lead to the identification of the Whistleblower is considered to have engaged in serious misconduct and disciplinary action is taken against them, which may include dismissal.

2.9 Protections available to Whistleblowers

The following protections are only available to Whistleblowers (i.e. persons who have made a report of misconduct to Your Call or to another person who can receive a Whistleblower Report) as specified in this policy & procedure) and not to persons who have made a report of a personal work related grievance.

These protections are available to Whistleblowers regardless of whether their report of misconduct turns out to be incorrect or whether they chose to remain anonymous when they made their Whistleblower Report and through investigation process.

2.9.1 Protections for Whistleblowers against legal action

The [Corporations Act 2001](#) protects a Whistleblower against certain legal actions related to making the Whistleblower Report including:

- criminal prosecution (and the Whistleblower Report cannot be used against the Whistleblower in a prosecution, unless the disclosure is false).
- civil litigation (such as for breach of an employment contract, duty of confidentiality, or other contractual obligation).
- administrative action (including disciplinary action).

This protection does not grant a Whistleblower immunity to for any misconduct that they were involved in that is revealed in the Whistleblowing Report.

2.9.2 Protections for Whistleblowers from detriment

Unison is committed to protecting and respecting the rights of Whistleblowers and does not tolerate any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a Whistleblower Report. Such behaviour is treated as serious misconduct and results in disciplinary action, which may include dismissal.

It is also illegal (under the [Corporations Act 2001](#)) to cause or threaten to cause detriment to a Whistleblower on the basis that they have, or it is suspected that they have made a report of misconduct. Detriment includes, amongst other things, dismissal from employment, harassment, discrimination, injury, damage to property or reputation (but does not include administrative action that is reasonable for the purpose of protecting a Whistleblower from detriment).

2.9.3 Compensation and Remedies for Whistleblowers

A Whistleblower can seek compensation and other remedies through the courts if:

- they suffer loss, damage or injury because they had made a Whistleblower Report.
- Unison did not take reasonable steps to prevent the conduct that led to their loss, damage or injury.

2.9.4 Support available for Whistleblowers

Unison provides support to whistleblowers, including:

- Providing access to Unison's Employee Assistance Program (EAP), Acacia Connection 1300 364 273.
- Where the Whistleblower **consents** to their identity being shared with a support person, appointing an independent support person from the HR team to deal with any ongoing concerns the Whistleblowers may have.
- Connecting the Whistleblower with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636).

Unison also provides guidance to any Unison staff member thinking about making a Whistleblower Report. This support is available by contacting the Director People or Company Secretary.

2.10 Management of person against whom Whistleblower Report is made

Unison recognises that individuals against whom a Whistleblowing Report is made must also be supported during the handling and investigation of the Whistleblowing Report. Unison takes reasonable steps to treat the person who is the subject of a Whistleblowing Report fairly, particularly during the assessment and investigation process.

2.11 Consequences of making a false disclosure

A Unison employee who makes a Whistleblowing Report knowing it to be false or misleading may be subject to disciplinary action, including dismissal. The disciplinary action depends on the severity, nature and circumstances of the false report.

2.12 Monitoring and Reporting to the Board

The WPO reports to the Unison Board on the number and type of Whistleblower incident reports quarterly, with Whistleblower incidents included as a standing item in meetings. These reports are made on a 'no names' basis, maintaining the confidentiality of the persons and matters raised under this policy & procedure. They also include any process improvements or policy changes required as a result of the matters raised.

2.13 Availability and training on the policy & procedure

This policy & procedure is available to employees and officeholders of Unison via Sharepoint and to the general public via Unison's website (www.unison.org.au).

Training on this policy & procedure is provided for all employees, including managers and Board Members, at onboarding, as well as periodic continuing professional development.

3. Definitions

APRA: Australian Prudential Regulation Authority

ASIC: Australian Securities and Investments Commission

EAP: Employee Assistance Program

FARCOM: Finance, Audit & Risk Committee

WPO: Whistleblowing Protection Officer

4. Document owner

The Deputy CEO is responsible for the review of this document. Refer to them to suggest any revision.

5. Related Information

5.1 External documents and links

- [Corporations Act 2001](#)
- [Australian Securities and Investment Commission Act 2001](#)
- [Banking Act 1959](#)
- [Financial Sector \(Collection of Data\) Act 2001](#)
- [Insurance Act 1973](#)
- [Life Insurance Act 1995](#)
- [National Consumer Credit Protection Act 2009](#)
- [Superannuation Industry \(Supervision\) Act 1993](#)
- www.unison.org.au
- <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/Whistleblower-rights-and-protections/>.