

# Whistle-blower Policy

**Approved by:** Board of Directors, Greenpeace Australia Pacific (GPAP)

**Approved on:** 12 December 2019

**Responsible body:** GPAP Board

**Maintained by:** Legal and Governance Officer

**Review:** Every 3 years.

This Whistleblower Policy supersedes all prior whistleblower policies.

## 1. Purpose of the policy

Safeguarding and building our own integrity makes us a stronger force for change in the world. Greenpeace Australia Pacific ('GPAP') is committed to the highest standards of ethical behavior. GPAP encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving GPAP and provides protections and measures so that those persons who make a disclosure may do so confidentially, securely and with confidence that they will be protected and supported.

## 2. Who the policy applies to

An "eligible whistleblower" is an individual who is, or has been:

- a) a current or former officer, employee or volunteer of GPAP. This includes permanent, part-time, fixed-term, casual and temporary members of our crew;
- b) a current or former supplier of goods or services to GPAP (whether paid or unpaid);
- c) an associate (i.e. a director, secretary or individual acting on behalf of a related body corporate);<sup>1</sup> or
- d) a relative, dependent or partner of a person covered in (a), (b) or (c) above.

## 3. Which types of disclosures are covered?

A discloser qualifies for whistleblower protection under the *Corporations Act 2001* (Cth) if they are an "eligible whistleblower" and:

- a) they have made a disclosure of information relating to a "discloseable matter" directly to an "eligible recipient" or to ASIC, APRA or another Commonwealth body prescribed by the regulation; or
- b) they have made a disclosure to a lawyer to obtain legal advice about whistleblower protections; or
- c) they have made an "emergency disclosure" or "public interest disclosure" (see flow chart on page 4).

"Discloseable matters" involve information that the discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to GPAP or a related body corporate of GPAP. This includes conduct that:

- a) constitutes an offence against, or in contravention of a provision of the:
  - *Corporations Act 2001*;
  - *Australian Securities and Investments Commission Act 2001*;
  - *Banking Act 1959*;
  - *Financial Sector (Collection of Data) Act 2001*;
  - *Insurance Act 1973*;

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<sup>1</sup> As at 28 November 2019, GPAP does not have any related body corporates.

- *Life Insurance Act 1995;*
  - *National Consumer Credit Protection Act 2009;*
  - *Superannuation Industry (Supervision) Act 1993.*
- b) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- c) represents a danger to the public or the financial system.

Examples of disclosures that WILL be covered	Examples of disclosures which will NOT be covered
<ul style="list-style-type: none"> <li>● illegal conduct , such as theft, the use of illicit drugs, threats of violence and criminal damage against property;</li> <li>● fraud, money laundering or misappropriation of funds;</li> <li>● offering or accepting bribes;</li> <li>● financial irregularities;</li> <li>● breaches of taxation laws;</li> <li>● failure to comply with regulatory requirements; and</li> <li>● threatening, or actually engaging in, detrimental conduct against a person because they have made, or plan to make a disclosure.</li> </ul>	<ul style="list-style-type: none"> <li>● Personal work related grievances that relate to the discloser’s current or former employment and have, or tend to have, implications for the discloser personally, but do not:               <ul style="list-style-type: none"> <li>(a) have any other significant implications for GPAP; or</li> <li>(b) relate to any conduct, or alleged conduct, about a “discloseable matter”.</li> </ul>               This may include:               <ul style="list-style-type: none"> <li>- interpersonal conflict with another crew member;</li> <li>- a GPAP work related decision such as a decision to engage, transfer or promote the discloser;</li> <li>- a decision to suspend, terminate or discipline the discloser.</li> </ul> </li> </ul>

If your concern is not covered by whistleblower protections, you should consider whether to pursue your concern using:

- a) the GPAP grievance policy; or
- b) the integrity system. The Integrity system is available if you have a reasonable belief that a [GPAP Integrity policy](#) has been breached.

Having a reasonable belief is different from having evidence. Whistleblower protection is available to disclosers who have reasonable grounds to suspect that misconduct relating to a “discloseable matter” has occurred, even if they only have some information leading to a suspicion and not all the details. Making a deliberate false report is an integrity violation which may result in disciplinary measures.

#### 4. Who can receive a disclosure?

If you are uncertain about making a disclosure you can have a confidential conversation with Greenpeace’s Whistleblower Liaison Officer. Your whistleblower rights will also be protected if you consult an independent legal practitioner (at your own cost) in relation to the disclosure.

You can make a disclosure to an “eligible recipient” within GPAP. This includes:

- GPAP’s Whistleblower Liaison Officer;
- GPAP’s Integrity Officers;
- A member of the Senior Management Team; and
- Members of the GPAP board.

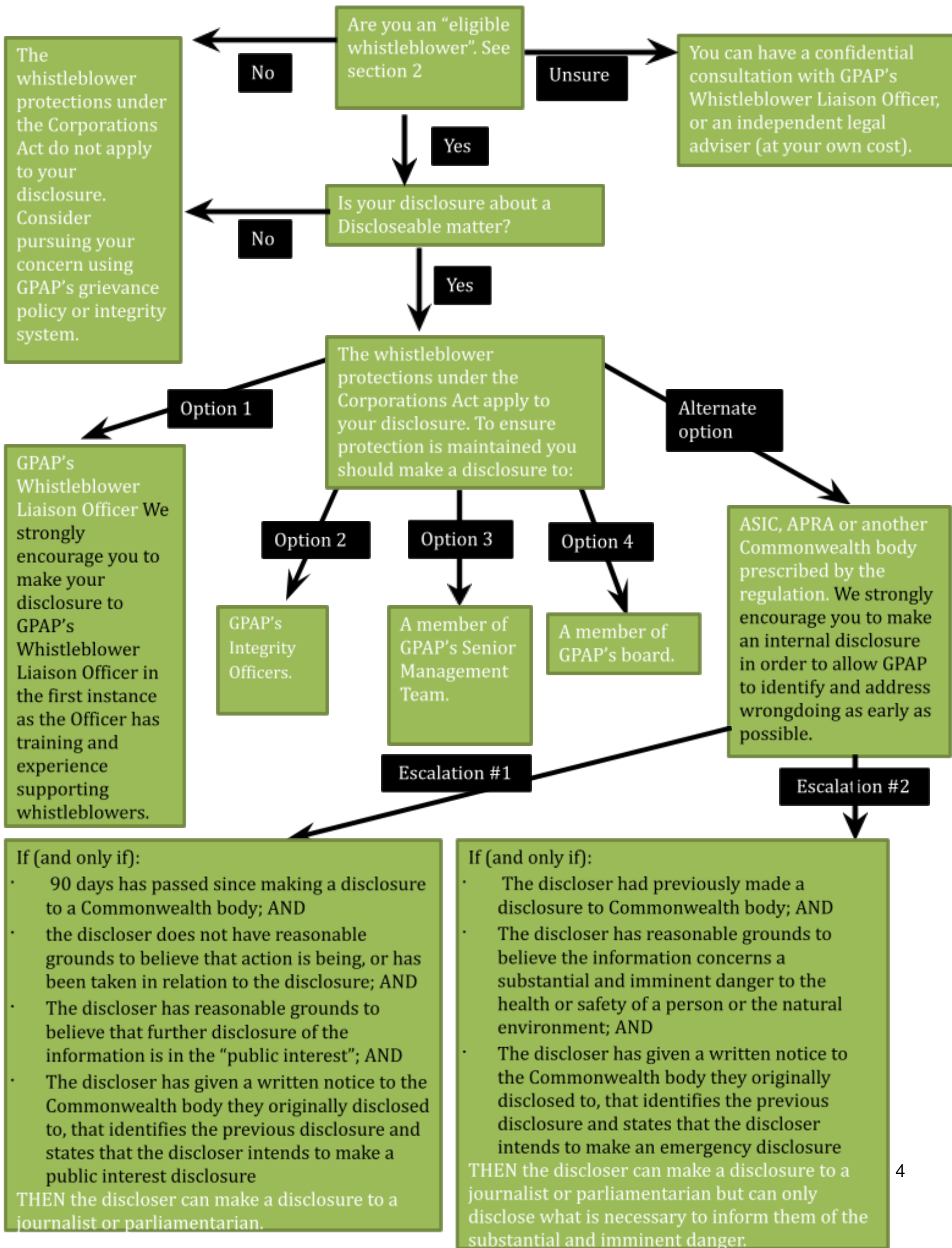
Role	Name	Description of role	Contact details
<b>Whistleblower Liaison Officer</b>	Nicolette Rubinsztein	This role is filled by an independent GPAP board director who is not involved in the day-to-day running of the organisation.	nicolette.rubinsztein@greenpeace.org
<b>Integrity Officers</b>	Katrina Bullock Terry O'Donnell Brooke Dellavedova	Lawyer Chief Operations Officer Lawyer	<a href="mailto:kbullock@greenpeace.org">kbullock@greenpeace.org</a> <a href="mailto:terry.odonnell@greenpeace.org">terry.odonnell@greenpeace.org</a> <a href="mailto:brooke.dellavedova@greenpeace.org">brooke.dellavedova@greenpeace.org</a>
<b>Senior Management Team ('SMT'):</b>	David Ritter Terry O'Donnell Kate Smolski Luke Edwards	Chief Executive Officer Chief Operations Officer Program Director Fundraising Director	<a href="mailto:david.ritter@greenpeace.org">david.ritter@greenpeace.org</a> <a href="mailto:terry.odonnell@greenpeace.org">terry.odonnell@greenpeace.org</a> <a href="mailto:kate.smolski@greenpeace.org">kate.smolski@greenpeace.org</a> <a href="mailto:luke.edwards@greenpeace.org">luke.edwards@greenpeace.org</a>  You can make a whistleblower disclosure by telephoning GPAP on 1800 815 151 and requesting to speak to an SMT member.

If you want to receive more information before making a formal disclosure, you can contact GPAP's Whistleblower Liaison Officer, or an independent legal adviser at your cost.

Our whistleblower recipients are open to receiving disclosures outside of business hours and will maintain your confidentiality unless you consent to the disclosure of your identity.

We strongly encourage you to make an internal disclosure in the first instance to give GPAP an opportunity to resolve your concern and to protect the reputation and brand that allows us to do so much good in the world. We take all disclosures very seriously.

## 5. How to make a disclosure



## 6. Protecting disclosers

### a) Identity protection

Wherever possible, GPAP encourages disclosers to reveal their identity in order to ensure a transparent and fair investigation for all involved. Anonymous disclosures have significant limitations that may inhibit a proper and appropriate inquiry, investigation or outcome. Whistleblower protection measures may also be more difficult to enforce when a whistleblower chooses to remain anonymous. Disclosers can choose to remain anonymous while making a disclosure, over the course of the investigation, and after the investigation is finalised. A discloser can refuse to answer any questions that they feel could reveal their identity. If a discloser chooses to remain anonymous, they should inform the recipient at the time of making the disclosure, and can choose to adopt a pseudonym. If a disclosure comes from an email address which does not identify the recipient and the discloser does not identify themselves, it will be treated as an anonymous disclosure.

An eligible recipient can only disclose the identity of a discloser or information that is likely to lead to the identification of the person in very limited circumstances, such as where the identity is disclosed to ASIC, APRA, the AFP, a legal practitioner or with the consent of the discloser. Otherwise it is illegal for a person to identify a discloser.

All paper and electronic documents relating to a disclosure will be stored securely. Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure. Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser. The discloser will be referred to in a gender neutral context and the investigators will consider whether the redaction of evidence is required to protect the discloser's anonymity.

### b) Protection from detrimental acts or omissions

GPAP and its employees will not engage in any conduct that causes detriment to the discloser as a result of the disclosure being made, nor will they cause any detriment to an individual because they propose to make, or could make a disclosure. Detriment would include:

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|--|---|
| i. dismissal of an employee;   | vi. harm or injury to a person, including psychological harm; |
| ii. injury of an employee in his or her employment;                              | vii. damage to a person's property;                           |
| iii. alteration of an employee's position or duties to his or her disadvantage;  | viii. damage to a person's reputation;                        |
| iv. discrimination between an employee and other employees of the same employer; | ix. damage to a person's business or financial position; or   |
| v. harassment or intimidation of a person;                                       | x. any other damage to a person.                              |

### c) Protection from civil, criminal and administrative liability protection

Disclosers will be protected from civil liability if the making of the disclosure breaches an employee contract, duty of confidentiality or contractual obligation. They will be protected from criminal liability for unlawfully releasing information (provided the disclosure is truthful). The discloser will also be protected from administrative disciplinary action for making the disclosure. These protections protect the making of the disclosure but do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure. A discloser can seek compensation through and other remedies through the courts if they suffer loss, damage or injury because of a disclosure and GPAP failed to take reasonable precautions to prevent the detriment.

#### **d) Emotional support**

GPAP understands that the whistleblowing process can be difficult for those involved. GPAP employees and volunteers are given access to GPAP's [Employee Assistance Program](#). Information discussed with an Employee Assistance counsellor is confidential and GPAP will not seek to access information disclosed to an Employee Assistance counsellor.

## **7. Handling and investigating a disclosure**

GPAP will investigate all matters reported under this policy as soon as practicable after the matter has been reported.

The "eligible recipient" will seek the discloser's consent to disclose the whistleblower's identity and disclosure information to the Integrity Officers. The "eligible recipient" will assist the discloser in making a formal written complaint to the Integrity Officer. If the discloser requests anonymity, the recipient will also conduct an initial analysis in consultation with the discloser to identify whether certain aspects of their disclosure could inadvertently identify them. For example:

- a) If the discloser has previously mentioned to other people that they are considering making a disclosure;
- b) If the discloser is one of a very few people with access to the information or one of the only witnesses; or
- c) If the disclosure is related to information that has previously been told privately and in confidence.

The Integrity Officer will investigate the complaint in accordance with the [GPAP Protocol for handling suspected integrity violations](#). The Investigator must have internal independence of line management in the area affected by the wrongdoing disclosure. If the discloser or the "eligible recipient" does not think it is appropriate to involve the Integrity Officers in the investigation, then the formal written complaint can be made to the Whistleblower Liaison Officer who may, at their discretion hire an independent investigation firm to undertake the investigation.

The investigation will be conducted in an objective and fair manner, and as is reasonable and appropriate having regard to the nature of the disclosure and the circumstances. Wherever possible, the investigator will provide regular updates to the discloser regarding the progress and outcome of the investigation. During the investigation the focus will be on the substance rather than motive of the disclosure.

Some investigations may be cross-border investigations which involve other jurisdictions or employees from other Greenpeace offices which operate in countries where whistleblowers protections are different, and anonymity is not guaranteed. Before engaging in such a cross border investigation, the GPAP investigators will make the discloser aware of any requirement to reveal their identity and give the discloser the choice of remaining anonymous, even if this may result in the investigation ceasing.

## **8. Ensuring fair treatment of individuals mentioned in a disclosure**

GPAP recognises that the subject/s of a disclosure may also require support during the investigation process. GPAP will take all reasonable steps to fairly treat any individual who is the subject of a report. Employees, officers and volunteers are eligible to access GPAP's [Employee Assistance Program](#).

Where a person is identified as being suspected of reportable conduct, but preliminary inquiries determine that the suspicion is unfounded and that no formal investigation is warranted, then the whistleblower will be informed of this outcome.

It will be at the discretion of the CEO as to whether the individual named in the disclosure will be informed of the allegation. Generally, where an investigation is conducted, the Investigation must ensure that a person who is the subject of a protected disclosure:

- a) is informed of the substance of the allegations;

- b) is given a fair and reasonable opportunity to respond to the allegations before the investigation is finalised;
- c) has the opportunity to provide a response to the investigator/s; and
- d) is informed about the substance of any adverse conclusions in the investigator's findings that affects them.

## 9. Related Policies

- a) [GPAP Code of Conduct](#)
- b) [GPAP Drugs and alcohol policy](#)
- c) [GPAP Environmental responsibility policy](#)
- d) [GPAP Information and confidentiality policy](#)
- e) [GPAP Preventing the misuse of power policy](#)
- f) [GPAP Use of organisational resources policy](#)
- g) [GPAP Preventing harassment, discrimination and bullying](#)
- h) [GPAP Protocol for handling suspected integrity violations](#)

This Policy will be made available on the [Greenpeace Australia Pacific Integrity website](#). Each employee and volunteer will receive a link to this website as part of their induction materials. Periodic training will be provided to the organisation covering integrity policies, including this Whistleblower Policy.