

1. PURPOSE

- 1.1 The Whistleblowing Policy and Procedure aims to foster a 'speak up' culture where employees can feel safe to report issues of misconduct and improve organisational procedure and practice without fear of intimidation, disadvantage or reprisal and with the confidence that they will be protected and supported.
- 1.2 ermha365 encourages directors, employees, contractors, volunteers or any person who has business dealings with ermha365, to raise any concerns and report any instances of **Reportable Conduct** where there are reasonable grounds to suspect such conduct has occurred.
- 1.3 To ensure that any person who makes a report in accordance with this Policy (a Whistleblower) is appropriately protected from any **Detrimental Action** (as defined in this Policy) in accordance with the legislative obligation to provide information about the protections available to Whistleblowers including the protections under the Whistle-blower Protection Laws.

2. SCOPE

- 2.1 All current or former Officers, Staff, volunteers and contractors.
- 2.2 A supplier of services or goods (paid or unpaid) and their employees;
- 2.3 A relative, dependent or spouse of a current or former employee, contractor, consultant, service provider, supplier or business partner.

3. DEFINITIONS

- 3.1 Detrimental Action** – Unlawful and unjust treatment of the Whistle-blower in response to their report and includes the following (even if done unintentionally):
- 3.1.1** action causing injury, harm, making threats, loss or damage (including psychological harm);
 - 3.1.2** discrimination or other adverse treatment in relation to the Whistleblower's employment, career, profession, trade or business, including dismissal, demotion or the taking of other disciplinary action; or
 - 3.1.3** any conduct which incites others to subject the Whistleblower to any of the above conduct.
- 3.2 Officers** – has the same meaning as in the Corporations Act (which includes but is not limited to directors and company secretary)
- 3.3 Reportable Conduct** – May include but is not limited to:
- 3.3.1** a breach of regulations or laws (including fraud, corruption, bribery, theft, harassment or intimidation, drug sale/use, violence or threatened violence and property damage);

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- 3.3.2** a breach of ermha365's code of conduct or policies
- 3.3.3** conduct endangering health or safety; or
- 3.3.4** any attempt to conceal or delay disclosures of any of the above conduct.

3.4 Staff – Includes all employees, volunteers and students.

3.5 Support Liaison – A suitable person nominated to support a Whistle-blower through the formal process, including ensuring their continued wellbeing and that they are informed of relevant information according to regulatory and organisational expectations.

3.6 Whistleblowing – The deliberate, voluntary disclosure of individual or organisational conduct 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.

3.7 Whistleblower – Person who exposes wrongdoing, misconduct, alleged dishonest or illegal activity occurring within the organisation and is eligible for protection under this policy or under Australian Whistle-blower laws.

3.8 Whistleblower Protection Officer (WPO) – The WPO serves to safeguard the interests of Whistleblowers and is available to assist them to understand the process and the available protections and ensure the integrity of the whistleblowing process.

3.9 Whistleblower Investigations Officer (WIO) – The WIO is responsible for investigating the reported matters or delegating the task of investigation to an external party as appropriate.

4. POLICY

4.1 ermha365 supports measures enabling the disclosure of all actual, suspected or anticipated wrongdoing within the organisation based on honesty, integrity and ethical behaviour. A Whistle-blower who has not themselves engaged in serious misconduct or illegal conduct may be provided with immunity from disciplinary proceedings in relation to the incidents raised.

4.2 ermha365 cannot provide immunity from civil penalties or criminal prosecution.

4.3 ermha365 will keep all information provided by the Whistle-blower confidential and maintained securely. Any breach of confidentiality will be treated as a serious disciplinary matter.

4.4 The identity of a Whistleblower (or information that is likely to lead to them being identified as a Whistleblower) will be kept confidential, unless any of the following apply:

- 4.4.1** Consent to disclose is provided;
- 4.4.2** The disclosure is required or authorised by law;
- 4.4.3** Where the disclosure is necessary to further the investigation. All reasonable steps will be taken to ensure that the Whistleblower's identity is not disclosed;
- 4.4.4** ermha365 needs to disclose this information to obtain legal advice or representation;

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- 4.4.5** The information needs to be provided to APRA, ASIC, a member of police or to one of ermha365's regulating bodies;
- 4.4.6** ermha365 needs to disclose the information to prevent a serious and imminent threat to life, health or property.

4.5 ermha365 will not tolerate any Detrimental Action towards anyone who raises a concern. Such instances will be subject to appropriate action (see Sexual Harassment and Bullying Policy and Performance Management and Disciplinary Policy and Procedure).

4.6 ermha365 will ensure that all records relating to whistleblowing are safely secured and only accessible by authorised personnel.

4.7 Before conduct is reported, the Whistleblower must have reasonable grounds to suspect that wrongdoing has occurred. Individuals must not make vexatious or baseless reports or knowingly provide false or misleading information regarding **Reportable Conduct** or **Detrimental Action**. Doing so may result in disciplinary action up to and including termination of employment.

5 PROCEDURE

5.1 Reporting wrongdoing through Stopline

Reportable Conduct can be reported to ermha365's external Whistleblower Protection Officer (WPO) via **Stopline**. Stopline is a confidential, independent provider of whistleblowing services who will take full details of your concerns via telephone, phone app, mail, email, fax or the specifically created website accessible through ermha365 hub.

Phone **1300 30 45 50**

Email ermha@stopline.com.au

Website & Online Reporting Form: <https://ermha.stoplinereport.com/>

Stopline 365 App

Stopline will review reports and direct those that require further investigation to ermha365's Whistleblower Protection Officer (WPO).

5.2 Other reporting

5.2.1 It is ermha365's preference that reports follow the process set out in the paragraph **5.1** above, however, Whistleblowers may also report in the following ways:

5.2.1.1 Whistleblowers may disclose reportable conduct to a state or commonwealth regulator in accordance with Victorian and Australian law and standards.

5.2.1.2 Whistleblowers may disclose reportable conduct to direct supervisors or management.

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5.2.1.3 **Whistleblowers may** disclose reportable conduct via the ermha365 complaints process in accordance with the [P&C 312 Complaint and Dispute Resolution policy and procedure](#) or the [OPS 215 Feedback Complaints and Appeals policy and procedure](#).

5.3 Investigation of reports

Investigations of alleged wrongdoing will be conducted in a manner that is confidential, fair and objective. The investigation processes will vary depending on the nature of the alleged wrongdoing and the amount of information provided. For a report to be investigated, it must contain enough information to form a reasonable basis for investigation.

5.3.1 All reports will be assessed and investigated by the WIO using the process outlined in [P&C 312 Complaint and Dispute Resolution policy and procedure](#). This role will generally be fulfilled by the People and Culture Business Partner, Chief People and Culture Officer or delegated as appropriate by the WPO.

5.4 Whistleblowers who report wrongdoing will be provided feedback where appropriate, in relation to the investigation, in line with legislation and on a case by case basis.

5.5 Whistleblower Protection and Support

5.5.1 **Victimisation is prohibited** under The Whistle-blower Protection Laws – A whistleblower acting in accordance with this Policy must not be subjected to Detrimental Action (as defined in this policy) for reporting the wrongdoing. If a court finds that victimisation has occurred, the court may order the victimiser and/or ermha365 to:

5.5.1.1 pay compensation to the person who was subject to the victimisation;

5.5.1.2 pay substantial fines and/or go to jail

5.5.2 **ermha365 will** ensure that staff who report wrongdoing are protected and that investigations are conducted according to the principles of fairness and natural justice for all involved.

5.5.3 **Managers and Supervisors will**, where possible, provide any whistleblower with the Employee Assistance Program number – **1300 806 376**

5.5.4 **Whistleblower Protection Officer (WPO)**

5.5.4.1 External WPO - As the frontline whistleblowing reporting service, Stopline receive reports from whistleblowers and provide advice and support in relation to a whistleblower's rights.

5.5.4.2 Internal WPO - Within ermha365 the role of WPO will generally be filled by the Manager Quality and Accountability or escalated as appropriate and may include the use of Stopline for ongoing support. Employees of ermha365 are entitled to ongoing support through the Stopline WPO and can contact Stopline directly.

5.5.4.3 In all cases of anonymous whistleblowing, the role of the WPO will be performed by Stopline.

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- 5.5.5 **Whistleblowers can** meet with their immediate supervisor and the Manager, Quality and Accountability to discuss the whistleblowing process and ongoing support – including appointment of a Support Liaison or use of the Stopline WPO.
- 5.5.6 **Whistleblowers may** invite a support person to this initial meeting (it could be a peer, supervisor, or external representative – for example a union delegate). The support person should have no perceived or real connection to any issues being reported.
- 5.5.7 In the case where the supervisor or those who would ordinarily fulfil the role of WIO or WPO is the subject of the whistleblowing allegation, the Chief Executive Officer (CEO) or their delegate shall facilitate the meeting.
- 5.5.8 In cases where the CEO is the subject of the whistleblowing allegation then the Chairperson of the Board or their delegate shall facilitate the meeting.
- 5.5.9 **The Support Liaison will** be appointed by the Chief People and Culture Officer (or the CEO, Chairperson or their delegate as appropriate) in consultation with the Whistleblower, ensuring they are a support to the person coming forward with the report, and able to fulfil the organisation's expectations with respect to managing the process.
- 5.5.10 **The Support Liaison will** schedule ongoing support meetings with the Whistleblower and, use the Support Liaison Record to guide support. Records will be stored with all other materials related to the investigation at its conclusion.

6 FORMS AND ATTACHMENTS

- 6.1 Support Liaison Record

7 RELATED DOCUMENTS

- 7.1 GOV 110 Charter of Ethics
- 7.2 GOV 109 Code of Conduct
- 7.3 P&C 312 Complaint and Dispute Resolution Policy and Procedure
- 7.4 P&C 301 Bullying Policy and Procedure
- 7.5 P&C 302 Sexual Harassment Policy and Procedure
- 7.6 P&C 304 Performance Management and Disciplinary Policy and Procedure

8 REFERENCES

- 8.1 [Age Discrimination Act 2004](#)
- 8.2 [Corporations Act 2001 \(Cth\), Part 9,4AAA \("Protection for Whistleblowers"\)](#)
- 8.3 [Crimes Act 1958](#)
- 8.4 [Disability Discrimination Act 1992](#)
- 8.5 [Fair Work Act 2009](#)
- 8.6 [Occupational Health and Safety Act 2004](#)
- 8.7 [Privacy Act 1988](#)
- 8.8 [Racial Discrimination Act 1975](#)
- 8.9 [Sex Discrimination Act 1984](#)
- 8.10 [Taxation Administration Act 1953 \(Cth\) Whistleblower Protection Laws](#)
- 8.11 [Australian Charities and Not-for-profit Commission Act 2012 \(Cth\)](#)

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Complex
Mental Health
and Disability
Services

[8.12 Australian Charities and Not-for-profit Commission Regulation 2013](#)

9 VERSION CONTROL

VERSION NO.	DATE APPROVED:	SHORT DESCRIPTION OF AMENDMENT	DATE TO BE REVIEWED:
1.	27/10/2015	New Policy	27/10/2017
2.	12/02/2018	Reviewed	2019
3.	14/07/2020	Rewrite and Stopline information included	2022

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