



Purpose

MoWSA strives to operate to the highest standards of ethics and conduct. This Policy aims to encourage eligible people to speak up about suspected illegal, improper or unethical conduct occurring within MoWSA by protecting them from retaliatory action.

Legislation and other requirements	NIL
Contractual requirements	NIL

Scope

This Policy applies to any person (eligible person) who is, or has been, any of the following with respect to MoWSA:

- Board member
- employee
- volunteer
- contractor (including sub-contractors and employees of contractors)
- supplier (including employees of suppliers)
- consultant
- auditor
- relative, dependant, spouse, or dependant of a spouse of any of the above.

Employees and volunteers are collectively referred to as workers.

Disclosures regarding suspected breach of the Aged Care Act 2024 by MoWSA or any of its aged care workers or Responsible Persons are out of scope for this Policy. Refer to the Whistleblower Policy for aged care customers.

Background

The Corporations Act 2001 ensures that people can anonymously report unethical or illegal behaviour occurring in Australian businesses. It aims to encourage ethical whistleblowing (speaking up) and discourage unethical, illegal, corrupt, fraudulent and other undesirable conduct, while holding employers accountable for protecting eligible whistleblowers.

While the Corporations Act 2001 does not apply to MoWSA, which is an incorporated association and not a trading company, an effective policy to encourage people to speak up and discourage undesirable conduct reflects our desire for good governance and practice and is encouraged by the Australian Charities and Non-Profits Commission.

Policy Statement

Where an eligible person believes, on reasonable grounds, that a person or persons associated with the organisation has been involved in illegal, improper or unethical conduct, they are encouraged and supported to report the conduct (speak up) without reprisal or consequence.

Reportable Conduct

You may make a report or disclosure under this Policy (speak up) if you have reasonable grounds to believe that a Board member, employee, volunteer, contractor, supplier, consultant or other person who has business dealings with MoWSA has engaged in conduct ('Reportable Conduct') which is:

- dishonest, fraudulent or corrupt
- illegal (such as theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage to property)
- unethical including any breach of MoWSA's policies such as the Code of Ethics and Conduct Policy
- oppressive or grossly negligent
- potentially damaging to MoWSA, its employees, volunteers or a third party
- maladministration
- a danger, or represents a danger to the public or financial system, or
- harassment, discrimination, victimisation or bullying.

For the avoidance of doubt, Reportable Conduct does not include personal work-related grievances. These grievances should be reported in accordance with MoWSA's complaints and grievances procedures. A personal work-related grievance is a grievance about any matter in relation to a worker's current or former employment or engagement, having implications (or tending to have implications) for that person personally and that do not have broader implications for MoWSA. Examples of personal work-related grievances are as follows:

- an interpersonal conflict between a worker and another worker
- a decision relating to the engagement, transfer or promotion of the worker
- a decision relating to the terms and conditions of engagement of the worker
- a decision to suspend or terminate the engagement of the worker, or otherwise to discipline the worker.

Procedures

Speaking Up

Accordingly, if you become aware of any Reportable Conduct, it is expected that you will speak up.

There are several ways in which you may speak up about any issue or behaviour which you consider to be Reportable Conduct.

Internal Reporting

You may speak up about any Reportable Conduct to the Chief Executive Officer or any General Manager. If the matter relates to the CEO you may speak up to the Board Chair.

Anonymity

You can speak up anonymously. It may be difficult for MoWSA to properly investigate the matters disclosed if a report is submitted anonymously and therefore MoWSA encourages you to share your identity when speaking up, however you are not required to do so.

Reporting to a Legal Practitioner

You may choose to discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation. You will be covered by the protections outlined in this Policy if you have reported your concerns to a legal practitioner.

Investigation

MoWSA will investigate all matters reported under this Policy as soon as practicable after the matter has been reported. The matter will be investigated by the person you spoke up to in accordance with this Policy.

The investigator may appoint an external investigator to help in conducting the investigation. All investigations will be conducted in a fair, independent and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation. If the report is not anonymous, the investigator will contact you to discuss the investigation process and any other matters that are relevant to the investigation.

If you have chosen to remain anonymous, your identity will not be disclosed to the investigator or to any other person and MoWSA will conduct the investigation based on the information provided to it. Where possible, the investigator will provide you with feedback on the progress and expected timeframes of the investigation. The person against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restrictions or other reasonable bases for not doing so).

To the extent permitted by law, the investigator may inform you and/or a person against whom allegations have been made of the findings. Any report will remain the property of MoWSA and will not be shared with you or any person against whom the allegations have been made.

Protection of people who speak up

MoWSA is committed to ensuring that any person who speaks up is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all matters raised under this Policy.

1. Protection from Legal Action

You will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for speaking up under this Policy or participating in any investigation. Any information you provide will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

2. Protection against Detrimental Conduct

MoWSA (or any person engaged by MoWSA) will not engage in 'Detrimental Conduct' against you if you have spoken up under this Policy. Detrimental Conduct includes actual or threatened conduct such as the following (without limitation):

- termination of employment or engagement
- injury to employment or engagement including demotion, disciplinary action
- alteration of position or duties
- discrimination
- harassment, bullying or intimidation
- victimisation
- harm or injury including psychological harm
- damage to person's property
- damage to a person's reputation
- damage to a person's business or financial position
- any other damage to a person.

MoWSA will take all reasonable steps to protect you from Detrimental Conduct and will take necessary action where such conduct is identified. MoWSA also strictly prohibits all forms of Detrimental Conduct against any person who is involved in an investigation of a matter disclosed under this Policy in response to their involvement in that investigation.

If you are subjected to Detrimental Conduct as a result of speaking up under this Policy or participating in an investigation, you should inform a General Manager, the CEO or the Board Chair in accordance with the reporting guidelines outlined above.

You may also seek remedies including compensation, civil penalties or reinstatement where you have been subject to any Detrimental Conduct.

3. Protection of Confidentiality

All information received from you will be treated confidentially and sensitively. If you speak up under this Policy, your identity (or any information which would likely to identify you) will only be shared if:

- you give your consent to share that information
- the disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice)
- the concern is reported to the tax authorities or police, or
- where it is necessary to disclose information for the effective investigation of the matter, and this is likely to lead to your identification, all reasonable steps will be taken to reduce the risk that you will be identified.

Support Available

Any person who speaks up under this Policy or is implicated as a result of someone else speaking up may access MoWSA's Employee Assistance Program (EAP) (currently provided by **Access SA** 1300 66 77 00) which is a free and confidential counselling service. Where appropriate, MoWSA may also appoint an independent support person to deal with any ongoing concerns you may have. Third party support providers such as **Lifeline** (13 11 14) and **Beyond Blue** (1300 22 4636) are also available.

Other Matters

Any breach of this Policy will be taken seriously and may result in disciplinary action, up to and including termination of employment.

Policy Responsibilities

Responsible for policy approval	Board
Responsible for implementation	CEO and the ELT

Policy Delegations

Review of policy and policy compliance	CEO
Approving policy and policy changes	Board

References:

Corporations Act 2001 (Cth)

Australian Charities and Not-for-profits Commission Act 2012 (Cth)

Related Documents:

Code of Ethics and Conduct Policy

Workforce Grievances Policy

Workforce Disciplinary Action Policy