

# RSL Victoria Whistleblower Policy

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## Introduction

As a registered charity with the Australian Charities and Not-for-profits Commission (ACNC), RSL Victoria is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

RSL Victoria recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.

This Whistleblower Policy has been developed so that people can raise concerns regarding situations where they believe that RSL Victoria or anybody connected with RSL Victoria has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below. Whilst RSL Victoria does not qualify by law to the requirement to have a mandatory Whistleblower policy, it will adhere to this policy to best effect, but is not bound by it.

## Purpose

This Policy aims to:

- encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the charity
- enable RSL Victoria to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- ensure that any Reportable Conduct is identified and dealt with appropriately
- ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- help to ensure that RSL Victoria maintains the highest standards of ethical behaviour and integrity.

## Scope

This policy applies to:

Employees	State Executive Members	Officers	Contractors (including employees of contractors)	Volunteers	Suppliers	Consultants
✓	✓	✓	✓	✓	✓	✓

Within this policy all of these people are represented by the term “**Workers**”.

Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

## Principles

**Higher standard** – This Policy is designed to comply with RSL Victoria’s legal obligations. If anything in this Policy is inconsistent with any law imposed on RSL Victoria, that legal obligation or the “higher standard” will prevail over this Policy.

**Speak up and report it!** – We encourage Workers at RSL Victoria to report any concerns in line with our policies and procedures.

**Our expectations of Workers** – RSL Victoria expects Workers to act honestly and ethically, and to make any report on reasonable grounds.

**Our responsibility to Whistleblowers** – Our obligations to Workers are spelled out in this policy, but in particular in section ‘Protection’.

**Confidentiality and consent** - RSL Victoria will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While RSL Victoria encourages Whistleblowers to identify yourself to the RSL Victoria Privacy Officer, you may opt to report your concerns anonymously.

## Reportable Conduct

### Who can make a report?

- A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with RSL Victoria, and wishes to avail themselves of protection against reprisal for having made the report.
- A Whistleblower may be a current or former Worker with RSL Victoria.

### What is Reportable Conduct?

- A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:
  - a) RSL Victoria; or
  - b) A related entity of RSL Victoria

#### (Reportable Conduct).

- Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:
  - a) dishonest;
  - b) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);

- c) fraudulent;
  - d) illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
  - e) in breach of regulation, internal policy or code;
  - f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
  - g) a serious impropriety or an improper state of affairs or circumstances;
  - h) endangering health or safety;
  - i) damaging or substantially risking damage to the environment;
  - j) a serious mismanagement of RSL Victoria's resources;
  - k) detrimental to RSL Victoria's financial position or reputation;
  - l) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
  - m) concealing reportable conduct.
- Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

#### **What is *not* Reportable Conduct?**

- While everybody is encouraged to speak up and report any concerns to RSL Victoria, not all types of conduct are intended to be covered by this Policy. This Policy does not apply to personal work-related grievances unless the grievance includes victimisation due to whistleblowing.
- Personal work-related grievances are those that relate to the discloser's current or former employment with RSL Victoria that might have implications for the discloser personally but do not:
  - a) Have any other significant implications for RSL Victoria (or another entity); or
  - b) Relate to any conduct or alleged conduct about a disclosable matter
- Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.
- However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

#### **What information do I need to make a report?**

- To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

- For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:
  - a) date;
  - b) time;
  - c) location;
  - d) name of person(s) involved;
  - e) possible witnesses to the events; and
  - f) evidence of the events (e.g. documents, emails).
- In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

### **How can I make a report?**

- A report must be made to:
  - a) The Chief Executive Officer or Privacy Officer;
  - b) The charity's auditor, or a member of the audit team
- RSL Victoria will also protect individuals who have made a report in connection with RSL Victoria:
  - a) To the Australian Charities & Not-for-profits Commission (ACNC) or Consumer Affairs Victoria (CAV) or another Commonwealth or State regulatory body prescribed in legislation;
  - b) To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections
- While RSL Victoria encourages you to identify yourself to the CEO or Privacy Officer, you may opt to report your concerns anonymously such as by adopting a pseudonym.

### **Protection**

#### **How will I be protected if I speak up about Reportable Conduct?**

- If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, RSL Victoria will support and protect you and anyone else assisting in the investigation.
- RSL Victoria will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
  - a) retaliation, dismissal, suspension, demotion, or termination of your role;
  - b) bullying, harassment, threats or intimidation;
  - c) discrimination, subject to current or future bias, or derogatory treatment;
  - d) harm or injury;

- e) damage or threats to your property, business, financial position or reputation; or
  - f) revealing your identity as a Whistleblower without your consent or contrary to law;
  - g) threatening to carry out any of the above actions.
- This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.
  - This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.
  - Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be subject to discipline and may be dismissed or subject to criminal or civil penalties.
  - If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to the Privacy Officer, or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.
  - Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.
  - You may also be entitled to the following legal protections for making a report:
    - a) protection from civil, criminal or administrative legal action;
    - b) protection from having to give evidence in legal proceedings; and/or
    - c) compensation or other legal remedy.

#### **How will RSL Victoria ensure confidentiality?**

- A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. RSL Victoria will do all it can to protect confidentiality.
- However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. RSL Victoria will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.
- You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent

possible in connection with the investigation, and your identity will not be disclosed unless:

- a) you consent in writing to the disclosure;
  - b) the disclosure is made to a Commonwealth or State body or the Australian Federal Police (AFP);
  - c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
  - d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
  - e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.
  - It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator for investigation. RSL Victoria may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

### **False reports or disclosures**

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

### **Handling and investigating a disclosure**

Upon receiving a Protected Disclosure, within 30 days, RSL Victoria will endeavour to assess the disclosure to determine whether:

- It qualifies for protection; and
- A formal, in-depth investigation is required.

RSL Victoria will endeavour provide the discloser with regular updates.

RSL Victoria may not be able to investigate a disclosure if it is unable to contact the discloser.

RSL Victoria will handle and investigate Protected Disclosures in accordance with its Whistleblower procedures.

### **Monitoring and assurance**

This Policy will be distributed and available to all Workers via communication channels such as email, induction packs and intranet.

To ensure effective protection under the Policy, the RSL Victoria Governance Committee will monitor and review this Policy annually.

## References

This policy should be read in conjunction with the following policies:

- Privacy Policy

