

# Whistleblower Policy

Version 1 | Effective 21 May 2024

## 1.1. Objective

- a. The FSU is built on the values, purpose and vision our members instill. Collectively, we strive for a future where each member feels valued, protected, and empowered to shape not only the direction of the FSU, but also the broader finance sector.
- b. The FSU aims to uphold the highest standards of integrity and fair dealings in all our operations.
- c. The FSU encourages the reporting of disclosable conduct that may cause harm to individuals or loss to the FSU (financial or otherwise).
- d. The FSU is committed to fostering a culture where people can feel safe to speak up without the fear of persecution for doing so.
- e. The FSU acknowledges, consistently with the *Fair Work (Registered Organisation) Act 2009* (Cth) (**RO Act**), the importance of protections for whistleblowers.

## 1.2. Definitions

A	B
Act	<i>Fair Work (Registered Organisations) Act 2009</i> (Cth).
Detriment	for the purposes of the act means severably: <ul style="list-style-type: none"> <li>• dismissal of an employee;</li> <li>• injury of an employee in their employment;</li> <li>• alteration of an employee’s position to their detriment;</li> <li>• discrimination between an employee and other employees of the same employer;</li> <li>• harassment or intimidation of a person;</li> <li>• harm or injury to a person, including psychological harm;</li> <li>• damage to a person’s property; and</li> <li>• damage to a person’s reputation.</li> </ul>
Discloser	a person who makes a protected disclosure under the RO Act.

Document	a record of information, and includes: <ul style="list-style-type: none"> <li>• anything on which there is writing; and</li> <li>• anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and</li> <li>• anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and</li> <li>• a map, plan, drawing or photograph.</li> </ul>
Internal policies	a policy adopted by the FSU.
Member	severably: <ul style="list-style-type: none"> <li>• an Industrial Member; and</li> <li>• an Honorary Life Member; and</li> <li>• a Community Member; and</li> <li>• a Retired Member.</li> </ul>
Matters	refers to alleged contraventions of the internal policies and disclosable conduct which are in scope of this policy.
Officer	a holder of an Office.
Official	an FSU employee who is a financial industrial member.
Policy	means this whistleblower policy.
Report	a Whistleblower report made under this Policy.
Report recipient	a person set out in section 1.7.
Retired member	a person who has been admitted as a retired member under these rules.
Rules	the national rules of the Union.
Union	Finance Sector Union of Australia.
Union employee	a person employed by the Union.
Whistleblower	a whistleblower is a person who makes a disclosure in relation to a breach of internal rules or disclosable conduct under this policy or under the Act.

### 1.3. Scope of policy

- a. The following persons may make a report:
  - i. an officer or former officer of the FSU;
  - ii. an employee or former employee of the FSU;
  - iii. a member or former member of the FSU;
  - iv. a family member of a person in one (1) of the above categories; or
  - v. a lawyer acting under instructions on behalf of a person in one (1) of the above categories.

## 1.4. Action

- a. To achieve these objectives, the FSU implements this whistleblower policy which:
  - i. provides an understanding on what may, consistently with this policy be reported;
  - ii. demonstrates the FSU's commitment to ensuring a safe and supportive environment where people feel safe to speak up about breaches of internal policies and disclosable conduct;
  - iii. explains the process for reporting breaches of internal policies or disclosable conduct, including what happens when a report is made; and
  - iv. sets out the protections that are afforded to those who make a report.

## 1.5. Matters that may be reported

- a. Matters that may be reported under this policy include the following disclosable conduct:
  - i. breaches of the FSU's internal rules and policies;
  - ii. contraventions of Commonwealth, State or Territory Law or relevant foreign law;
  - iii. corrupt conduct involving an individual misusing their position for personal or financial gain;
  - iv. fraudulent activity;
  - v. acts that would result in the reduction of public trust or confidence;
  - vi. maladministration, including conduct that is unjust, oppressive, or negligent;
  - vii. acts resulting in unreasonable risks to health and safety;
  - viii. conduct that would be considered retaliatory or victimization against a person for making a disclosure or who proposes to make a disclosure under this policy; and
  - ix. disclosable conduct under the *Fair Work (Registered Organisations) Act 2009* (Cth) (including alleged reprisals for making a disclosure).

## 1.6. How to make a report

- a. Reports relating to reportable conduct should be raised as soon as practicable with a person who is a report recipient.
- b. Making a report as soon as practicable will enhance outcomes as the matters can be considered while the issue is fresh and evidence is more likely to be available.
- c. No investigation is to be undertaken by the whistleblower.
- d. A concern about reprisal or retaliatory action for making the report should be discussed at the time of making the report.

## 1.7. Report recipients

Report at first instance	Your direct manager
Designated officer/official/person	Wendy Streets, National President Wendy.Streets@fsunion.org.au
Nominated persons/officials	Adam Fay, National Executive Member Adam.Fay@fsunion.org.au

## 1.8. Reports to be made in good faith

- a. A suspicion of wrongdoing may result from a misunderstanding, however a person who makes a report is protected from reprisal provided the report:
  - i. is made in good faith;
  - ii. is not actuated by an ulterior purpose or to seek advantage;
  - iii. was based on reasonable grounds; and
  - iv. conforms with the requirements of this policy.

## 1.9. Investigation

- a. To assist with the investigation of a Report, all relevant information must be provided including:
  - i. dates;
  - ii. times;
  - iii. locations;
  - iv. individuals involved;
  - v. how the whistleblower became aware of the matter;
  - vi. other witnesses;
  - vii. physical evidence that may exist (e.g. documents, images, text messages); and
  - viii. other information that may assist an investigation.
- b. A whistleblower making a report under this policy should be aware that information provided to the FSU may be used in connection with an investigation or other type of action which may include:
  - i. whether a satisfactory explanation can be provided in relation to the matter;
  - ii. the matter is resolved by speaking to one or more parties;
  - iii. the matter is recorded and monitored going forward;
  - iv. a decision is made to investigate, whether internally or by external investigators;
  - v. the matter is referred to an external entity such as the Fair Work Commission or the police; or
  - vi. a combination of the above actions.
- c. If a determination is made to investigate, the investigation may be conducted, by an:
  - i. Official;
  - ii. FSU employee;
  - iii. Officer; or
  - iv. external investigator appointed by the FSU.
- d. The scale of the investigation will be in proportion to the seriousness of the matter reported and will be conducted with appropriate diligence but so as to avoid disruptions to the day-to-day operations of the FSU.
- e. A report on the outcome of the investigation will be completed, which may include:
  - i. the allegations;
  - ii. a statement of the relevant findings of and evidence relied upon;
  - iii. the findings reached, including the impact on the FSU and affected parties; and
  - iv. recommendations arising from the findings.

- f. Where required by law the FSU will inform a relevant authority of the investigation.
- g. At the conclusion of the investigation and subject to any requirements of the law, the whistleblower is to be informed of the outcome of the investigation.

## 1.10. Confidentiality

- a. Where it is practicable and appropriate to do so a report will be kept confidential.
- b. Where it is practicable to do so a report will only be considered and acted on by the persons appointed under this policy to investigate and the respective decision maker who must determine what, if any, recommendations are to be actioned and the extent to which they will be actioned.
- c. There may be legal obligations to deliver natural justice or that otherwise by law require the FSU to disclose the report or particulars of it.
- d. If this disclosure is required and includes the identity of the whistleblower, or is information which will have the actual effect of disclosing the identity of the whistleblower, then this will be discussed with the whistleblower as soon as practicable and preferably prior to the disclosure of the information occurring.

## 1.11. Protections

- a. The FSU is committed to ensuring that a whistleblower who reports a matter under this policy is provided support and is afforded protection from reprisal and personal or financial disadvantage from making the report.
- b. There are protections available under the RO Act for a person to make a 'protected disclosure'.
- c. To qualify as a protected disclosure the disclosure must:
  - i. be made by a person listed in part 1.2 of this policy;
  - ii. be about suspected disclosable conduct, such as:
    - A an act that contravenes, or may contravene, a provision of this Act, the *Fair Work Act 2009 (Cth)* (FW Act) or the *Competition and Consumer Act 2010 (Cth)*; or
    - A constitutes, or may constitute, an offence against a law of the Commonwealth.
  - iii. be capable of being reported to an authorised recipient in a relevant government agency.
- d. Under the RO Act a discloser is protected from reprisal taken against them, to their detriment (whether by act or omission), as a result of making that disclosure.
- e. Reprisals may be the subject of criminal or civil penalties if the disclosure is the reason for the reprisal action being taken.
- f. A discloser who makes a protected disclosure will not be subject to:
  - i. criminal or civil liability for making a disclosure; or
  - ii. enforcement of any contractual or other right or remedy against them on the basis of their disclosure.
- g. A person who makes a protected disclosure is not exempt from consequences of their own misconduct.
- h. Disclosures that do not fit within the definitions above are not covered and protected under the RO act but may still be covered under this policy.

## 1.12. Anonymity

- a. Anonymous reporting under this policy will not be accepted.

## 1.13. Failure to comply with this policy

- a. A breach of this policy may result in disciplinary action.

### Policy amendment schedule

Version	Author	Authorised by Approval date	Responsibility	Amendment Notes
Version 1	Wendy Streets	FSU National Executive 21 May 2024		Introduction of new policy