

2023

# Public Skills Australia

## WHISTLEBLOWER POLICY

## Whistleblower Policy

### Purpose

1. To outline Public Skills Australia's policy for whistleblowing.
2. Public Skills Australia is committed to transparency and accountability and encourages all employees to report potential misconduct in good faith.

### Objectives

3. To create awareness of and provide education and guidance for the reporting of potential misconduct, and the privacy protections that whistleblowers will be afforded when they come forward.
4. Under the Australian *Corporations Act 2001*, companies limited by guarantee must have a whistleblower policy. Public Skills Australia will also look to the Australian Securities & Investments Commission (ASIC) Regulatory Guide 270 Whistleblower policies (RG 270) to ensure Public Skills Australia complies with its legal obligations.

### Scope

5. This policy is to be read in conjunction with the Constitution of Public Safety Skills Australia Limited and all Public Skills Australia policies; no policy is a standalone document.
6. All Public Skills Australia policies are to be read in conjunction with following Australian Government Department of Employment and Workplace Relations (DEWR) documents:

*Jobs and Skills Councils Code of Conduct*

*Jobs and Skills Councils Integrity Framework*

*Jobs and Skills Councils Performance Framework*

*Jobs and Skills Councils Program Guidelines*

*Performance and Monitoring Framework (under development)*

*Training Package Organising Framework (TPOF).*

7. All Public Skills Australia policies apply to staff and Company office holders, as well as contractors, subcommittees, networks, and working groups when undertaking work on behalf of Public Skills Australia.

### Reporting potential misconduct

8. Public Skills Australia encourages all individuals identified in the scope of this policy to come forward and report potential misconduct.
9. In coming forward, whistleblowers are expected to provide as much detail as possible about the alleged misconduct, including people involved, dates, locations, and any potential evidence.
10. Whistleblowers are expected to have reasonable grounds for reporting potential misconduct and will be covered by the protections outlined in this policy. Whistleblowers will not be penalised if the information later turns out to be incorrect. However, knowingly making a false report is not covered by this policy and may result in disciplinary action.

### Potential misconduct

11. Potential misconduct may include:

- failure to comply with legal or regulatory requirements
- failure to comply with the Public Skills Australia Code of Conduct and organisational policies
- criminal activity, fraud and corruption, modern slavery, victimisation and harassment, dishonest or unethical behaviour, misleading or deceptive conduct
- conduct that may endanger the health and safety of others, breach an individual's or the Company's privacy or confidential information, or pose a danger to the public or financial system.

### Personal work-related grievances

12. Personal work-related grievances that do not relate to the threat to or detriment of the whistleblower or Public Skills Australia are not covered by this policy.
13. Should personal work-related grievances constitute potential misconduct, the whistleblower may be entitled to the protections provided by this policy.
14. Personal work-related grievances may include:
  - personal conflict between employees and/or management
  - a decision that involves a breach of workplace laws, including engagement, transfer, promotion, or recruitment decisions
  - disciplinary action taken by management, including suspension or termination of employment.

## Whistleblower protection

### Confidentiality

15. Public Skills Australia will aim to protect the identity of a whistleblower and securely store and retain any evidence or documentation of their report. Although a whistleblower may wish for the report and their identity to remain confidential, Public Skills Australia may be required to disclose this information under certain circumstances (such as to police or regulatory investigations, or legal or medical practitioners).
16. Access to reported information will be limited to those responsible for managing, investigating or actioning the potential misconduct.
17. Public Skills Australia will support anonymous or partially anonymous disclosures, taking into consideration the organisation's resources.

### Protection from detriment

18. Whistleblowers who report potential misconduct will not be penalised and will be protected from further detriment, including dismissal, discrimination, harassment, or harm, as a result of their report.

### Reporting potential misconduct process

19. In the first instance, whistleblowers should report potential misconduct to members of the Public Skills Australia executive team. Where the potential misconduct involves a member of the executive team then the CEO will refer the matter to the Chair of the Board; where the matter involves a member of the Board, referral will be to the CEO.
20. Whistleblowers may be required to submit documentation or other evidence to assist with substantiating the report.
21. Public Skills Australia will investigate reports of potential misconduct in a timely manner and will be fair and independent in their process. This will involve gathering documents and evidence, which will be securely stored and protected.
22. Public Skills Australia is committed to implementing recommendations and/or findings from the investigation to rectify any wrongdoing as far as is reasonably practicable.

### Communicating investigation timeline

23. Where the whistleblower's identity is known and they wish to remain informed, Public Skills Australia will communicate when the investigation process has begun, any updates during the course of the investigation and when the investigation has concluded.
24. After the conclusion of the investigation, Public Skills Australia will make an assessment as to whether it is appropriate for the whistleblower to be informed of the outcome and any action taken. Any final reports will not be provided to the whistleblower by Public Skills Australia unless circumstances require it.

### Fair treatment

25. Public Skills Australia is committed to the fair treatment of both whistleblowers and individuals who have been reported for potential misconduct. This includes openness and transparency of process and communications where appropriate.
26. Public Skills Australia will apply procedural fairness in all investigations of potential misconduct.
27. Public Skills Australia will provide access to support services to all whistleblowers and other individuals affected by the potential misconduct report.

### Reviewing this policy

28. This policy will be reviewed when applicable and within 3 years.