
WHISTLE-BLOWER POLICY

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| APPLICABILITY | AOG World Relief Vietnam Team (Staff) and Advisory Board Members, Volunteers, Visitors & Project Partners (see Scope) |
| VERSION | 1 |
| WRITTEN BY | Rebekah Windsor <i>AOGWR Vietnam Program Director</i> |
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PART 1: WHISTLE-BLOWER POLICY

1.1. INTRODUCTION

AOG World Relief Vietnam (hereinafter referred to as AOGWR Vietnam) is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). Furthermore, as a recognised international field office of ACC International Relief Inc (hereafter referred to as ACCI) due to registration legalities in Vietnam, additional levels of compliance are required to manage the special partnership between the two entities.

This document outlines AOGWR Vietnam's policy on how the organisation and its people are expected to behave in maintaining legal, proper, and ethical operations. It also specifies reporting non-compliance by others while not penalising those who do assist in maintaining legal, proper, and ethical operations.

1.2. PURPOSE

The purpose of this policy is to:

- Encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to AOGWR Vietnam or damage to its reputation;
- Enable AOGWR Vietnam to deal with reports from whistle-blowers in a way that will protect the identity of the whistle-blower and provide for the secure storage of the information provided;
- Establish the policies for protecting whistle-blowers against reprisal by any person internal or external to the entity;
- Provide for the appropriate infrastructure;
- Help to ensure AOGWR Vietnam maintains the highest standards of ethical behaviour and integrity.

1.3. SCOPE

This policy applies to all **AOGWR Vietnam** defined below:

- This policy applies to all AOG World Relief Vietnam Team (Staff) Members, Volunteers and Advisory Board members. ACCI has its own Conflicts of Interest Policy which is applicable to the stakeholders disclosed within.
- This policy applies to the Vietnam-based operations of ACCI through the entity of AOGWR Vietnam.

AOGWR Vietnam recognises that other stakeholders including partner governments and agencies, multilateral organisations, downstream partners including event-staff, contractors, and consultants, as well as local volunteers and/or visitors cannot be read and sign the policy as the above listed key stakeholders due to national governance structures, frameworks, and associated requirements. We also recognise that they must also abide by their own relevant policies, international declarations, conventions, agreements, and domestic legal frameworks that relate to whistle-blowers. However, to uphold high standards of risk mitigation and management processes, AOGWR Vietnam expects these groups to act in accordance with the principles and reporting requirements outlined in this policy.

1.4. RESPONSIBILITIES

AOGWR Vietnam's Advisory Board as well as the overarching ACCI Governing Boards are responsible for developing, adopting, and reviewing this policy. The Advisory Board is also responsible for nominating a Whistle-blower Protection Officer for the organisation to ensure all AOGWR Vietnam stakeholders are aware of this policy and the available avenues to report instances (or suspicions) of misconduct.

The Program Director(s) is responsible for the implementation of this policy, for monitoring changes in privacy legislation both in Vietnam and Australia, and for advising on the need to review or revise this policy as and when the need arises in addition to the agreed upon three-year review.

All team (staff) and volunteers are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to act on such breaches.

1.5. DEFINITIONS

For the purpose of this policy:

"The Organisation" means AOGWR Vietnam;

"Misconduct" includes conduct that:

- Constitutes an offences against, or a contravention of, a provision of any of the following Australian laws and regulations given AOGWR Vietnam's status as a representative office of an Australian-based entity:
 - The *Australian Corporations Act 2001*;
 - The *Australian Securities and Investments Commission Act 2001*;
 - The *Banking Act 1959*;
 - The *Financial Sector (Collection of Data) Act 2001*;
 - The *Insurance Act 1973*;
 - The *Life Insurance Act 1995*;
 - The *National Consumer Credit Protection Act 2009*;
 - The *Superannuation Industry (Supervision) Act 1993*;
- Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- Represents a danger to the public or the financial system; or
- Is prescribed by regulations for the purposes of paragraph 1317AA(5) of the *Corporations Act 2001*.

"Whistle-blowing" is the voluntary disclosure of **Misconduct** by a person who has witnessed instances of, or holds suspicions of, **Misconduct** within **The Organisation**.

"Whistle-blowers" is an officer, team (staff) member, contractor, or volunteer of any entity within **The Organisation** who reports **Misconduct** in accordance with this policy.

Complaints regarding occupational health and safety should where possible be made through **The Organisation's** health and safety procedures.

PART 2: REPORTING

2.1. NOMINATED WHISTLE-BLOWER PROTECTION OFFICERS

The Organisation has nominated both Internal and External Whistle-blower Protection Officers, to receive reports of Misconduct and protect the interests of the Whistle-blower in terms of this policy. The Organisation will seek to ensure that all AOGWR Vietnam Stakeholders are aware of the current nominated Whistle-blower Protection Officers and mechanisms to contact them.

Where reporting within the Whistle-blowers' normal reporting channels (e.g. to their immediate manager) is not desirable nor appropriate, the Whistle-blower may report instances of, suspicions of, Misconduct to **the Internal Whistle-blower Protection Officer:**

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in instances where it is not possible or appropriate to report instances of Misconduct to the Internal Whistle-blower Protection Officer, reports may be raised directly with the nominated External Whistle-blower Protection Officer:

Catherine Thambiratnam
Head of Programs – ACC International
catherine@acci.org.au

This reporting avenue may be used where the Whistle-blower reasonably believes that any internal reporting avenues available are unlikely to provide an independent assessment and/or investigation of the allegations of Misconduct and will generally only be appropriate where the Misconduct alleged involves senior leaders within The Organisation.

In addition to making a report through normal reporting channels or to the Whistle-blower Protection Officer, a Whistle-blower may wish to make a report of Misconduct within The Organisation to an external body. Disclosures made to an external body will not be investigated by The Organisation pursuant to this policy, but Whistle-blowers will be afforded the protections set out in this policy to the extent that The Organisation is made aware of the identity of the Whistle-blower by the external body.

PART 3: INVESTIGATION

3.1. INVESTIGATION PROCEDURES

All report of Misconduct made under this policy will be assessed and investigated.

Upon receipt of a report from a Whistle-blower, the Whistle-blower Protection Officer is responsible for informing The Organisation's Program Director(s) and Advisory Board that a report of Misconduct has been received, and determining whether the disclosure is a matter of Misconduct to which this policy applies, within 72 hours of receiving the report.

Where the Whistle-blower Protection Officer determines that a report is trivial, vexatious or baseless, the Whistle-blower Protection Officer will inform the Whistle-blower of this assessment and no further action will be taken in relation to the report.

If it is determined that the report is a matter to which this policy applies, the following investigation processes will apply:

- The Whistle-blower Protection Officer will be responsible for appointing an investigator within 7 days of receiving the report. The investigation must not be conducted by a person who may be the subject of the investigation or has connections (actual or perceived) to the persons or issues under investigation. In making this appointment, the Whistle-blower Protection Officer must consider whether the appointment of an external investigator is appropriate, having regard to the nature of the Misconduct alleged and the persons implicated in the allegations.
- Investigations must be conducted in a fair and transparent manner, affording principles of natural justice to any persons implicated in a report of Misconduct and preserving the confidentiality (to the greatest extent possible) of the person.
- Investigations regarding reports made pursuant to this policy should be completed within 21 days of the appointment of an investigator. If for any reason an investigation cannot be completed within 21 days, the Whistle-blower must be informed of the delay by the Whistle-blower Protection Officer.
- The investigator will provide a report confirming the outcome of the investigation to the Whistle-blower Protection Officer within 7 days of completing the investigation.
- The Whistle-blower Protection Officer will immediately make the report available to informing The Organisation's Program Director(s), who will determine the appropriate action to take because of the investigation outcomes (in consultation with the Advisory Board as appropriate).

The Whistle-blower Protection Officer will keep the Whistle-blower informed generally regarding the progress of the investigation and the outcome of the investigation, subject to privacy considerations for any persons implicated in the report of Misconduct.

3.2. PERSON(S) IMPLICATED IN WHISTLE-BLOWER REPORT

Any persons implicated in allegations of Misconduct by a Whistle-blower pursuant to this policy are entitled to be afforded natural justice and procedural fairness during the organisation's investigation of the alleged conduct. This shall include:

- Being informed of the substance of the allegations;
- Having the opportunity to be heard by the investigator about the substance of the allegations;
- and

- Being informed of the outcome of the investigation.

Where allegations of Misconduct are not substantiated by an investigator's report, any persons implicated in the allegations must be formally informed of the outcome of the investigation.

Where it is determined by a Whistle-blower Protection Officer that a report is trivial, vexatious, or baseless and no formal investigation is required, the Whistle-blower Protection Officer may determine whether (in their sole discretion) to inform the person against whom any allegations of Misconduct are made that a report has been received and dismissed.

3.3. PERSONAL WORK-RELATED GRIEVANCES

This policy is concerned with the disclosure of instances of (or suspicions of) Misconduct only and is not intended to replace existing policy documents regarding complaints handling, dispute resolution, grievances, discrimination, harassment, or bullying (except in circumstances where such behaviour may constitute Misconduct as defined in this policy).

Reports regarding personal work-related grievances will not be afforded protections under this policy and will be referred to existing appropriate policy documents for alternative resolution mechanisms. For clarity, a personal work-related grievance will generally concern a grievance about any matter relating to the discloser's employment having implications for the discloser personally, which does not constitute Misconduct.

PART 4: PROTECTIONS

4.1. CONFIDENTIALITY

Where a Whistle-blower makes a report of actual or suspected Misconduct to a Whistle-blower Protection Officer pursuant to this policy, the Whistle-blower Protection Officer must take all reasonable steps to keep the identity of the Whistle-blower confidential unless disclosure of the Whistle-blower's identity is required by law.

The Whistle-blower's right to confidentiality regarding their identity (unless disclosure is required by law) may only be waived with the express consent of the Whistle-blower.

The Organisation acknowledges that in some instances, a Whistle-blower may wish to make a report of Misconduct anonymously. However, it also acknowledges that proper investigation may not be possible upon receipt of an anonymous complaint, as the inability to make inquiries and seek further information from the disclosure may limit the scope of any potential investigation. For this reason, Whistle-blowers are encouraged to make any reports of Misconduct without the condition of anonymity and rely on the assurances provided in this policy regarding confidentiality of their identity.

4.2. PROTECTION OF WHISTLE-BLOWERS

The Organisation is committed to protecting the rights of a Whistle-blower who reports Misconduct in accordance with the procedures set out in this policy. A Whistle-blower must not be subject to any detriment, or the threat of detriment, for making a disclosure of Misconduct.

Detriment may include, but is not limited to:

- Dismissal of the Whistle-blower as an employee, or alteration of the employee's duties or position;
- Discrimination against the Whistle-blower as an employee as compared to other employees;
- Harassment or intimidation of the Whistle-blower;
- Harm or injury to the Whistle-blower (including psychological harm);
- Damage to the Whistle-blower's property, reputation, or business and/or financial interests;
- Threats regarding any of the above.

Where a Whistle-blower believes that they have been subjected to detriment for making a disclosure of Misconduct, the Whistle-blower should raise these concerns with a Whistle-blower Protection Officer as soon as practically possible.

Subjecting a Whistle-blower to detriment for making a disclosure of Misconduct will itself be considered an instance of Misconduct and investigated in accordance with this policy.

Where a Whistle-blower is implicated in reports of Misconduct which are investigated and found to be substantiated, the protections under this policy will not apply to any disciplinary action taken by The Organisation in relation to the Misconduct itself.

5. REVIEWING THE POLICY

AOGWR Vietnam's Whistle-blower Policy will be **reviewed every three years**. AOGWR Vietnam management (Program Director(s) and/or the Management Team) will manage the review and stakeholders will be consulted during this process.

6. COMMITMENT

I, _____, have read and understood the above AOGWR Vietnam Whistle-blower Policy and agree to adhere to it and the associated procedures in their entirety.

Signed: _____

Date: _____