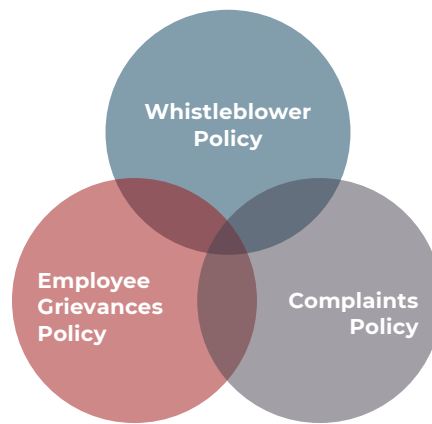


WHISTLEBLOWER POLICY

Approved March 2023

The **Grievance Policy** enables **employees, volunteers and interns** to lodge a claim with regard to any **employment matter** or if he/she feels adversely affected by our misinterpretation or misapplication of any of our organisation policies.



“Whistleblowing” means the reporting of suspected misconduct, illegal acts or failure to act according to the Organisation’s Code of Conduct.

This policy aims to encourage employees and others who have serious concerns about any aspect of our work or conduct to come forward and voice those concerns.

A **complaint** is an expression of dissatisfaction, related to the standards of our programs, actions or lack of action by ADI.

Anybody affected by our programs can make a complaint.

1. THE PURPOSE

The purpose of this Whistleblower Policy is to promote a culture of compliance, integrity, honesty, and ethical behaviour within Australian Doctors International (‘ADI’).

The foundation of the Whistleblower policy rests on ADI’s dedication to accountability and openness, as well as its intention to safeguard both its personnel and other involved parties. The aim is to address problems, concerns, and grievances fairly, equitably, and with efficiency

This policy serves to create a supportive professional atmosphere where any wrongdoing within or involving ADI or its affiliates can be reported without fear of retribution.

This is achieved by:

- encouraging the reporting of serious misconduct
- providing protected misconduct reporting alternatives to remove inhibitions that may impede such disclosures
- establishing procedures that enable:
- protection for those that make serious misconduct disclosures
- independent internal inquiry/investigation of disclosures made
- resolution of the issue(s) identified

2. SCOPE

This policy applies to all ADI paid and unpaid personnel. It also applies to any person or organisation with a relationship with ADI, including formal partners, program beneficiaries or any other individual that reports misconduct or makes any complaints in relation to any ADI personnel, or the organisation or our programs.

3. EXCLUSIONS

This policy and procedure does not apply to employment related grievances which are covered by the Employee Grievances Policy. Please review the diagram above.

4. POLICY STATEMENT

ADI aims to provide people with a supportive environment and clear mechanisms that enable them to raise issues of legitimate concern. ADI will respond in a timely and respectful manner in accordance with this policy and procedure. ADI respects the right of people to raise concerns anonymously or through external authorities.

ADI will take steps to protect whistleblowers from detrimental treatment or dismissal (if applicable) if they report actual or suspected reportable conduct in good faith. ADI undertakes to act in accordance with relevant legislation on disclosure of such reportable conduct throughout all our offices in PNG and Australia.

5. DEFINITIONS

Partners	Organisations that ADI works with in the delivery of programs and projects in PNG.
People/ Persons	Refers to all employees, interns, volunteers, directors, contractors, consultants, Partners and their employees, suppliers, service providers, stakeholders, donors, or members of the communities in which we deliver programs or any other person/s with access to data, events, or information about an actual or suspected wrongdoing within the organisation.
Personnel	Any employees, directors, volunteers, interns, or contractors.
Reportable Conduct	<ul style="list-style-type: none"> • breaches of legal obligations (including negligence, breach of contract administrative law) • criminal offences • engaging in acts of physical, sexual, emotional, psychological, or financial abuse, exploitation or neglect of beneficiaries or employees, partner, interns, or volunteers • general culture of bullying, discrimination or harassment in any ADI office or the organisation as a whole • mismanagement or the unauthorised use of organisational funds • actual or suspected fraud and/or corruption • actual or suspected acts of money laundering or terrorism financing • abuse of authority • disclosures related to miscarriages of justice • health and safety risks, including risks to the public as well as other staff • other unethical conduct • damage to the environment • a breach of any internal Policy including (but not limited to) the Code of Conduct, PSEAH, or Child Safeguarding Policy, etc. • an intentional disclosure or misuse of sensitive information, or • the concealment or failure to report knowledge of the above actions in themselves or others.
Whistleblower	Any person who raises a reportable conduct matter under this policy and who wishes to avail themselves of the protection offered by this policy.

Whistleblower Protection Officer (WPO)	A Whistleblower Protection Officer (WPO) will be appointed to oversee adherence and application of this policy and procedure and to be the referral point for all investigations and subsequent board reporting. This person must be of a level of seniority commensurate with the responsibilities of this role. Where possible, 2 WPOs will be nominated, one male, one female in order to provide a gender option for Whistleblowers.
Whistleblowing	A deliberate disclosure by of individual or organisational reportable conduct by a person who has access to data, events or information about an actual or suspected wrongdoing within the organisation.
Protected Disclosure	A report made about improper conduct or wrongdoing that is protected under this policy.

6. POLICY PRINCIPLES

ADI upholds the utmost standards of legal, ethical, and moral conduct. ADI acknowledges that those involved in a professional association with ADI are often the first to recognise potential issues concerning misconduct. Nevertheless, due to concerns about appearing disloyal or apprehensions of potential victimization or other forms of retaliation, they might hesitate to report such misconduct.

It is imperative that individuals should not face personal disadvantages for disclosing actual or suspected wrongdoing. Such misconduct not only might be against the law, but it could also directly contradict the values, mission, ADI Code of Conduct, and other organisational policies of ADI. Anyone contemplating the act of making a whistleblower report is obligated to act in good faith and possess reasonable grounds for believing that the disclosure pertains to reportable wrongdoing.

ADI is unwavering in its commitment to cultivate an environment where valid concerns can be reported without the fear of facing retaliatory measures or reprisals.

All ADI personnel have an obligation to raise reportable conduct or suspected reportable conduct in accordance with this policy.

All ADI personnel have the right to speak freely and honestly to raise reportable conduct in a safe environment without fear of retaliation or reprisal.

ADI will respond in a timely, respectful, and confidential manner to all disclosures of reportable conduct.

ADI will provide the necessary support and protection to a whistleblower when reports of actual or suspected reportable conduct are made in good faith.

Training on the Whistleblowing Policy and Procedure will be undertaken across ADI offices at least once per year.

7. PROTECTION OF WHISTLEBLOWERS

ADI is committed to ensuring that any person who makes a protected disclosure is treated fairly and does not consequentially suffer detriment and that confidentiality is preserved in respect of all matters relating to protected disclosures.

To meet ADI's obligations and procedures for protected disclosures, the organisation adopts the principle of providing protection to people or organisations with a relationship with ADI:

- at least to the extent of protection provided at law; and
- beyond that legal protection, wherever it is practical in the circumstances.

A report may not protect the whistleblower from the consequences flowing from involvement in the wrongdoing itself.

7.1 Confidentiality of whistleblower's identity and whistleblowing report

If a person or organisation makes a disclosure, ADI will not disclose (and no other person may disclose) any information that would suggest or be likely to reveal that person's or organisation's identity.

The exception to the above protection is if ADI discloses the whistleblower's identity:

- with the person's or organisation's consent;
- to ASIC, APRA or the Australian Federal Police or other person or body prescribed by regulations;
- to the extent required or authorised by law, or
- to a legal practitioner for the purposes of obtaining legal advice or legal representation.

When a disclosure is investigated it may be necessary to reveal its substance to people without the whistleblower's consent in order to investigate and deal with the matter, such as ADI management, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies. At some point in time, it may also be necessary to disclose the fact and the substance of a report to a person(s) who may be the subject of the report. In such cases, ADI may do so provided that:

- the information so disclosed does not include the discloser's identity (unless consented to by the whistleblower); and
- ADI has taken all reasonable steps to reduce the risk that the discloser will be identified from the information. Even after taking such steps, in some circumstances the source of the reported issue may be obvious to a person who is the subject of a report.

To protect the confidentiality of records, ADI will also take all reasonable measures to store any records relating to a report of a protected disclosure securely and to permit access by authorised persons only. This includes the following measures:

- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- all information relating to a disclosure can only be accessed by those directly involved in managing and investigating the disclosure;
- only those people who are directly involved in handling and investigating a disclosure are made aware of a discloser's identity or information that is likely to lead to the identification of the discloser;

- communications and documents relating to the investigation of a disclosure are not sent to an email address or to a printer that can be accessed by other staff without appropriate security features; and
- each person who is involved in handling and investigating a disclosure is reminded that they should keep the identity of the discloser and the disclosure confidential and that an unauthorised disclosure of a discloser's identity may be a criminal offence. Information and awareness of Whistleblower processes will be provided to support the application of confidentiality of the content and identity of the person(s) named in disclosures. Each person involved in the disclosure will be required to sign a document, to be retained on the investigation file, vouching maintenance of confidentiality. Emails relating to a Whistleblowing disclosure will be headed 'CONFIDENTIAL RECIPIENT ONLY (WB)'.

Unauthorised disclosure of information relating to a report, the identity of a person or organisation that has made a report of wrongdoing the subject of a protected disclosure, or information from which the identity of the reporting person or organisation could be inferred will be regarded seriously and will be dealt with accordingly at senior management level.

7.2 Protection from legal action

A discloser will not be subject to any civil, criminal, or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information provided will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

7.3 Protection from detrimental conduct

Committing to the protection and respect of the rights of a person or organisation that makes a protected disclosure, ADI does not tolerate any detriment, retaliatory action, omission or threats of retaliatory action as a reaction to a protected disclosure, including against a person's colleagues, employer (if a contractor or supplier) or relatives, even if the protected disclosure is merely part of the reason for the action, omission or threats.

Detrimental conduct includes actual or threatened conduct such as the following (without limitation):

- dismissal of an employee;
- injury of an employee in his or her employment;
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between an employee and other employees of ADI;
- harassment or intimidation;
- physical or psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; and
- any other damage to a person.

ADI also strictly prohibits all forms of detrimental conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.

ADI will take all reasonable steps to protect a whistleblower from detrimental conduct and will take necessary action where such conduct is identified. If appropriate, ADI may allow a whistleblower to perform their duties from another location or make other modifications to the whistleblower's workplace or duties to protect them from the risk of detriment.

8. PROCEDURES

All ADI personnel will be made aware of this policy and their responsibilities to report wrongdoing to the Whistleblowing Protection Officer via the dedicated mailbox wpo@adi.org.au. It is the responsibility of the WPO to ensure all personnel are adequately trained in understanding, identifying and (where possible) mitigating any activity that may breach the definitions of reportable conduct.

A whistleblower should report instances of, or suspicions of, misconduct to the WPO. Reports must be made in good-faith and be as thorough as is possible. False or malicious allegations may result in disciplinary actions.

Where the WPO is involved in the conduct the subject of the protected disclosure or is otherwise not fully independent from the matter disclosed, the report must be immediately advised to the CEO and/or Chair of ADI's Board of Directors for action and investigation.

The person receiving a report that is protected by the Whistleblower Policy, will provide a verbal report to the WPO within 48 hours of being advised of the disclosure while maintaining the confidentiality of the Whistleblower.

An anonymous disclosure can be made via the ADI website at <https://www.adi.org.au/feedback-complaints>. Reports can also be made to one of the persons listed here:

1. Whistleblower Protection Officer (COO) wpo@adi.org.au
2. CEO
3. HR Manager
4. Chair of Board
5. Company Secretary

The WPO or any person listed here will safeguard the interests of the person making the report and will ensure the integrity of the reporting and investigation process.

In the event that an external investigation is required, the Whistleblower will be provided with the details of the external agency.

9. INVESTIGATION

ADI will investigate all matters reported under this policy as soon as practicable after the matter has been disclosed. The WPO will investigate the matter and, where necessary, appoint an external investigator to assist in conducting an 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.

The responsibilities of the appointed investigator include the assurance that action taken in response to the inquiry is appropriate to the circumstances and retaliatory action will not be taken against the person who made the disclosure.

The investigator has direct, unfettered access to independent financial, legal and operational advisers as required, and a direct line of reporting to the CEO or Chair of the Board, as may be required to satisfy the objectives of this Policy. The Whistleblower Protection Officer must keep the CEO or Chair regularly informed of the investigation progress. The Whistleblower Protection Officer is also responsible for keeping the whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom the allegations have been made. The investigator may second the expertise of other officers in ADI to assist in the investigation and may seek the advice of internal or external experts as required.

10. CORRECTIVE ACTION AND COMPLIANCE

Should allegations be found to be unsubstantiated, every effort will be made to address any negative effects on the reputation and morale of personnel involved. As part of the investigation into reports made under this policy, recommendations for change will be invited from the person making the report and/or the WPO to enable ADI to minimise the risk of the recurrence of any reportable conduct that has been disclosed. The CEO, or a designated senior manager, will be responsible for reviewing and implementing these recommendations.

11. REMEDIES

A Whistleblower or any other person can seek remedies including compensation, civil penalties, or other remedies through the courts if:

- They suffer loss, damage, or injury because of a disclosure; and
- ADI failed to take reasonable precautions and exercise due diligence to prevent detrimental conduct.

If a discloser is concerned that their identity has been disclosed in relation to a disclosure, and without their consent, they should immediately inform the Whistleblower Protection Officer or an eligible recipient.

12. RELEVANT LEGISLATIONS

Legislation	Jurisdiction	Link
Corporations Act 2001 (Cth.)	Australia	https://www.legislation.gov.au/C2004A00818/latest/text
ASIC Act	Australia	https://www.legislation.gov.au/C2004A00819/latest/text
Whistleblower Act 2020	Papua New Guinea	https://www.parliament.gov.pg/index.php/bills-and-legislation/view/whistleblower-act-2020