

10 key elements of a robust whistleblower process

The Australian Government has introduced its proposed **whistleblower law reforms** which aim to strengthen the protections available for whistleblowers and extend the reach for those who may previously have been excluded from reporting under the existing legislation. The reforms also significantly broaden the scope of protected disclosures and make whistleblower processes **mandatory** for all large proprietary companies (ie, revenue of more than \$25m or with greater than 50 employees).

The proposed amendments will complement wide ranging reforms in a number of areas combatting white collar crime, in particular, reforms to Australia's anti-bribery legislation and increased corporate penalties. The Bill is being heralded as a strong start to more complete and targeted improvements to organisational culture. **Is your whistleblower policy robust enough to comply?**

1 Are you serious enough?



Your policy needs to convey the seriousness the employer places on identifying and remedying wrongdoing within an organisation and send a clear message from "the top" about what behaviour will and will not be tolerated.

2 Who are you going to call?



Your policy needs to encourage workers to raise concerns internally as soon as possible, encourage openness and also feel that their concerns will be taken seriously.

3 Who can I tell?



Your policy needs to ensure employees know who they can approach with a concern, and to enable them to bypass the part of the organisation to which the concern or disclosure relates.

4 How will the investigation proceed?



Your policy needs to outline in sufficient detail the procedures for investigating disclosures and what steps might be taken if wrongdoing is uncovered, including a plain language description of what an investigation will involve.

5 What disclosures will be protected?



Your policy needs to set out in detail the kinds of disclosures which may be raised and which will be protected.

6 What if I'm victimised?



Your policy needs to make it clear what will happen to those who victimise whistleblowers or abuse the system by making malicious allegations.

7 How do I make a disclosure?



Your policy needs to include information about access to a whistleblowing hotline and identify in detail the process of making a complaint, including timelines for responses and whether complaints can be anonymous.

8 Can I learn more about the process?



Your policy should be visibly and effectively implemented through staff and board training workshops, as well as targeted training for those to whom disclosures can be made.

9 Who can make a disclosure?



Your policy should have a wide reach and cover all employees, officers, trainees, interns, contractors and agency workers – but care should be taken not to give rights to individuals who would not otherwise have such rights at law.

10 What other policies will also apply?



You should also make sure your whistleblowing policy is consistent with other policies including codes of conduct, privacy, email usage and anticorruption.