



PO149

Whistleblower Policy

In this policy the terms:

- "Employee" refers to individuals directly employed by Skill Hire, including Labour Hire, Apprentices and Trainees;
- "Company" refers to Skill Hire.
- An "Officer" includes a Director or Company Secretary of Skill Hire; and
- A "Senior Manager" is a senior executive within Skill Hire, other than a Director or Company Secretary, who makes or participates in making decisions that affect the whole, or a substantial part, of the business, or has the capacity to significantly affect the Company's financial standing.

Policy Objective

Skill Hire expects the highest standards of professional conduct of all employees in performing their role and their interaction with colleagues, jobseekers, host employers, customers or members of the community.

This Whistleblower Policy supports Skill Hire's values and code of conduct, by providing an important framework to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing, to encourage individuals who are aware of possible wrongdoing to have the confidence to speak up, and provide protections and measures to make a disclosure in relation to such conduct without fear of victimisation or reprisal.

Skill Hire will ensure:

- individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- disclosures are dealt with appropriately and on a timely basis;
- transparency around our framework for receiving, handling and investigating disclosures;

1. Commitment

At Skill Hire, we are committed to ensuring our workplaces are free of discrimination, harassment and bullying with equity in employment for all people employed or seeking employment. We are committed to ensuring our workplaces are inclusive of people of all backgrounds including those who identify as Aboriginal or Torres Strait Islander. We are also committed to ensuring our workplace is inclusive for people that have disabilities, medical conditions including mental health. This commitment is based on the need to ensure that our company complies with State and Federal Equal Opportunity laws and to ensure that every person is given a fair and equitable chance to compete for appointment, promotion or transfer and to pursue their career as effectively as others. We recognise the importance of tailoring support and considering individual requirements on a case by case basis whilst maintaining a fair and consistent approach.

2. Who is eligible for Whistleblower protection under this policy?

The Corporations Act gives special protections to disclosures about any misconduct or improper state of affairs in relation to Skill Hire where the Discloser is, or has been, any of the following

with respect to any Skill Hire entity:

- Director, Officer or Employee;
- Contractor, Business Partner or Supplier whether paid or unpaid (including current and former employees of suppliers);
- Associate; and
- Relative, dependant, spouse (current or former) of any of the above.

The Discloser qualifies for protection where they have made a disclosure to:

- a Whistleblower Protection Officer;
- an officer or senior manager of a Skill Hire entity;
- to Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Australian Taxation Officer (ATO), a member of the Australian Federal Police (AFP), or another Commonwealth body prescribed by regulation;
- a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the Whistleblower provisions in the Corporations Act; or
- they have made an 'emergency disclosure' or 'public interest disclosure'.

3. Contracts with Government Departments

Where Skill Hire has a contract for services with a Government Department, these contracts may stipulate that state or commonwealth legislation apply to disclosures of misconduct or improper state of affairs. These legislations also provided protections as outlined in this policy when a disclosure is made.

Under current contracts with the Department of Employment, Skills, Family and Small Business (the Department), all officers and employees of Skill Hire engaged in the provision of services are defined as Commonwealth public officials. Where a disclosure is made to Skill Hire, the company is required under section 60A of the Public Interest Disclosure Act 2013 (Cth) to pass information about the conduct to the Authorised Officer of the Department.

4. Roles and Responsibilities

Role	Meaning	Responsibilities
Discloser or Whistleblower	The person reporting potential misconduct.	
Eligible Recipients	Officers and Senior Managers of Skill Hire, or the Whistleblower Protection Officer	<p>The role of the Eligible Recipients is to ensure that the information is heard by Skill Hire and proper follow-up occurs, as well as to ensure Disclosers feel supported and protected.</p> <p>Eligible Recipients will refer the disclosure to the Whistleblower Investigations Officer as soon as possible to oversee Skill Hire's response.</p>

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Whistleblower Investigation Officer (WIO)	General Manager	<p>If a report made under this Policy is formally investigated, the WIO will carry out or supervise the investigation.</p> <p>The WIO will report any investigation outcomes to the Board.</p> <p>The WPO and WIO act independently of each other and the responsibilities of these roles do not reside with one person.</p>
Whistleblower Protection Officer (WPO)	Human Resources Manager, or their delegate (who may be a HR Advisor)	<p>The WPO will safeguard the interests of Employees making reports under the Policy and will ensure the integrity of the reporting mechanism.</p> <p>The WPO would usually act as the contact point for communication with the Whistleblower after they have made their disclosure.</p>

5. Matters that can be disclosed

You may make a report or disclosure under this policy if you have reasonable grounds to believe that a Skill Hire director, officer, employee, contractor, supplier, consultant or other person who has business dealings with the Company has engaged in conduct which includes, but is not limited to:

- dishonest or unethical behaviour;
- fraudulent, unlawful, corrupt or irregular use of company funds, or improper or misleading accounting or financial reporting practices;
- illegal activities (including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property);
- abuse of authority;
- failure to comply with, or breach of, legal or regulatory requirements;
- any behaviour that poses a serious risk to the health and safety of any person at the workplace;
- a serious risk to public health, public safety or the environment; or
- potentially damaging to Skill Hire, its employees or a third party.

Disclosable matters include conduct that may not involve a contravention of a law, but which poses a serious risk.

A Discloser will qualify for protection even if their disclosure turns out to be incorrect, where the matter was disclosed under reasonable belief and was not vexatious or mischievous.



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Personal Work-Related Grievances

Disclosable matters do not include personal work-related grievances. These grievances should be reported to your Manager or Human Resources in accordance with the Skill Hire Grievance Procedure. A personal work-related grievance is a grievance about any matter in relation to an employee's current or former employments, having implications for that person personally and that do not:

- have broader implications for the Company or other employees; or
- relate to any conduct, or alleged conduct, about a disclosable matter

A personal work-related grievance may qualify for protection if:

- it includes information about misconduct, the information disclosed includes or is accompanied by a personal work-related grievance (mixed report);
- the entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the Discloser's personal circumstances;
- the Discloser suffers from or is threatened with detriment for making a disclosure; or
- the Discloser seeks legal advice or legal representation about the operation of the Whistleblower protections under the Corporations Act

6. Making a Disclosure

Skill Hire is committed to a supportive workplace environment and you are encouraged to raise concerns that you may have regarding conduct occurring at Skill Hire or in relation to Skill Hire.

Skill Hire has a number of formal and informal ways in which concerns can be raised depending on your circumstances and the level of seriousness of the issue. In most cases, your concerns may be able to be addressed informally, through discussions with your Manager or by talking to Human Resources.

If you have reasonable grounds to suspect that potential misconduct has occurred or is occurring in relation to Skill Hire and do not feel comfortable raising your concerns in the ordinary course (as outlined above), you are encouraged to formally report it under this Policy.

You should provide as much information as possible, including details of the potential misconduct, people involved, dates, locations and evidence that may exist.

Internal Reporting

A disclosure needs to be made directly to Skill Hire's Whistleblower Protection Officer or an eligible recipient to be able to qualify for protection as a Whistleblower.

Whistle Blower Protection Officer:

Name	Annemarie Parker, Human Resources Manager
Phone number	08 9376 2827 / ext 1927 / 0424 558 853
Email	annemarie.parker@skillhire.com.au

The eligible recipient or Whistleblower Protection Officer will safeguard your interests and will ensure the integrity of the reporting process.

Skill Hire encourages and supports its employees and external Disclosers to make a disclosure to the Whistleblower Protection Officer or one of our internal eligible recipients in the first instance, to identify and address wrongdoing as early as possible. Skill Hire also acknowledges that a Discloser can make a disclosure directly to regulatory bodies, or other external parties, about a disclosable matter and qualify for protection under the Corporations Act without making a prior disclosure to Skill Hire.

7. Investigation

When a disclosure is made, it will be referred to the Whistleblower Investigation Officer who will determine whether:

- it qualifies for protection; and
- a formal, in-depth investigation is required.

Skill Hire will investigate all matters reported under this policy as soon as practicable after the matter has been reported. The Whistleblower Investigation Officer will investigate the matter and where necessary, appoint an external investigator to assist in conducting the 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.

If the report is not anonymous, the Whistleblower Investigation Officer or external investigator will contact you to discuss the investigation processes and any other matters that are relevant to the investigation.

Where you have chosen to remain anonymous, your identity will not be disclosed to the investigator or to any other person and the Company will conduct the investigation based on the information provided to it.

Where possible, the Whistleblower Protections Officer will provide you with feedback on the progress and expected timeframes of the investigation. The person against who any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restriction or other reasonable basis for not doing so).

To the extent permitted by law, the Whistleblower Protections Officer may inform you and/or the person against who allegations have been made of the findings. Any report will remain the property of Skill Hire and will not be shared with you or any person against whom the allegations have been made.

8. Support Available

Employees and their families may access Skill Hire's Employee Assistance Provider (EAP) which is a free and confidential counselling service provided by Benestar (Ph 1300 360 364)

You may also access third party support providers such as Lifeline (Ph 13 11 14) and Beyond Blue (Ph 1300 22 4636).

9. Protections

Skill Hire is committed to ensuring that any person who makes a disclosure is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all matters raised under this policy.

Confidentiality and Identity Protection

An eligible recipient or Whistleblower Protection Officer cannot disclose your identity or information that is likely to reveal your identity.

Subject to compliance with legal requirements, Skill Hire will only share your identity as a Whistleblower or information likely to reveal you:

- with your consent;
- where your concern is reported to ASIC, APRA, ATO, or a member of the AFP; or
- where your concern is raised with a legal practitioner for the purposes of obtaining legal advice or legal representation;

To protect the confidentiality of a Discloser's identity, and reduce the risk that the Discloser will be identified from the information contained in a disclosure:

- all personal information or reference to the Discloser witnessing an event will be redacted;
- the Discloser will be referred to in a gender-neutral context;
- where possible, the Discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them; and

Secure record-keeping and information-sharing processes will ensure:

- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
- communications and documents relating to the investigation of a disclosure will not be sent to an email address that can be accessed by other staff; and
- each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a Discloser's identity may be a criminal offence.

It is recognised that people may be able to guess the Discloser's identity if:

- the Discloser has previously mentioned to other people that they are considering making a disclosure;
- the Discloser is one of a very small number of people with access to the information; or
- the Disclosure relates to information that a discloser has previously been told privately and in confidence.

Anonymity

When making a disclosure, you may do so anonymously and still be protected under the Corporations Act. It may be difficult for Skill Hire to properly investigate the matters disclosed if a report is submitted anonymously and therefore Skill Hire encourages you to share your identity when make a disclosure, however you are not required to do so.

You can choose to remain anonymous over the course of the investigation and after the investigation is finalised, can refuse to answer questions that they feel could reveal your identity at any time, including during follow-up conversations. Whilst remaining anonymous we encourage you to maintain ongoing two-way communication with the entity you have disclosed to, so the entity can ask follow-up questions or provide feedback.

Where a disclosure has been made externally and you provide your contact details, those contract details will only be provided to a Whistleblower Protection Officer with your consent.

Reporting to Regulators

You may also make a disclosure to the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulations Authority (APRA) in relation to disclosable conduct. You will be covered by protections outlined in this policy if you have reported your concerns to ASIC or APRA.

Reporting to a Legal Practitioner

You may choose to discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation. You will be covered by the protections outlined in this policy if you have reported your concerns to a legal practitioner.

Public Interest and Emergency Disclosure

In certain situations, you may have reasonable grounds to believe that the conduct or wrongdoing may be of such gravity and urgency, concerning a substantial and imminent danger to the health or safety of one or more persons or to the natural environment, that disclosure to the media or a parliamentarian is necessary. A public interest or emergency disclosure can only be made to:

- a journalist, defined to mean a person who is working in a professional capacity as a journalist for a newspaper, magazine, or radio or television broadcasting services; or
- a member of the Parliament of the Commonwealth or of a State or Territory parliament.

You may only make a public interest and emergency disclosure if:

- you have previously discussed the information to ASIC or APRA, or a prescribed body;
- at least 90 days must have passed since the previous disclosure.
- you have reasonable grounds to believe that action is not being taken to address the matters which you have disclosed;
- you have reasonable grounds to believe that making a further disclosure to a journalist or member of parliament would be in the public interest;
- you have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that you

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- intend on making a public interest disclosure; and
- the extent of information disclosed is no greater than is necessary to inform the recipient of the misconduct or improper state of affairs.

A discloser should contact an independent legal adviser before making a public interest disclosure or an emergency disclosure

Protection from detrimental acts or omissions

Legal protections exist for protecting a Discloser, or any other person involved in an investigation, from detriment in relation to a disclosure. A person cannot engage in conduct that causes detriment to a Discloser (or another person), in relation to a disclosure, if:

- the person believes or suspects that the Discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
- the belief or suspicion is the reason, or part of the reason, for the conduct.

In addition, a person cannot make a threat to cause detriment to a Discloser (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional. A Discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.

Skill Hire will take all reasonable steps to protect you from detrimental conduct and will take necessary action where such conduct is identified. If you are subject to detrimental conduct as a result of making a disclosure under this policy or participating in an investigation, you should inform a Whistleblower Protection Officer or eligible recipient.

Compensation and other remedies

A Discloser (or any other employee or person) can seek compensation and other remedies through the courts if:

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

Civil, criminal and administrative liability protection

A Discloser is protected from any of the following in relation to their disclosure:

- civil liability (e.g. any legal action against the Discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);
- criminal liability (e.g. attempted prosecution of the Discloser for unlawfully releasing information, or other use of the disclosure against the Discloser in a prosecution (other than for making a false disclosure)); and
- administrative liability (e.g. disciplinary action for making the disclosure).

The protections do not grant immunity for any misconduct a Discloser has engaged in that is revealed in their disclosure.

10. Other Matters

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment.

11. Policy Review

This policy will be reviewed each year and as a standing item, include details of the date it was reviewed.

11.1 Policy Additions or Amendments

Separate to the mandated annual review, the policy may be varied at any time due to legislative changes or to fall in line with widely accepted best practices in the workplace. In the event of any changes, the policy will be updated and relevant stakeholders advised.

12. Related Documents

PO01 Occupational Health and Safety Policy
PO05 Employee Code of Conduct
HR-PR003 Bullying, Harassment and Discrimination
HR-PR005 Grievance Procedure
HR-PR026 Whistleblower Procedure



Richard Kiel
General Manager