WHISTLEBLOWING PROGRAM CHECKLIST

Establishing A Whistleblowing Program

A whistleblowing program starts with a clear management statement of commitment. This is crucial for the success of any whistleblowing program. The ingredients provided within this checklist are also fundamental in achieving a compliant and secure whistleblowing program.

This checklist is intended as a guide only. Your Call can provide consultation where required.
COMMITMENT FROM MANAGEMENT

a. Is there a clear statement from senior management of your organisation's commitment to enable reporting of wrongdoing?
   Is there a commitment by senior management to maintaining a workplace free of unacceptable behaviour and misconduct?
   Does the organisation have a clearly defined Code of Conduct?
   Have you stated your commitment to addressing reported wrongdoing? For example, that you will investigate reported misconduct and how you will rectify proven wrongdoing.

ONGOING REVIEW AND EVALUATION

b. Have you reviewed your whistleblowing policy and procedures in the last two years?
   Have you evaluated your policies for effectiveness? Have changes in the law and corporate governance requirements been reflected in your policy and procedure? How have the changes been made and communicated?

c. Do you have a committee to receive and review all information received, action taken and outcomes?
   An independent committee comprising of senior personnel should review all information received, how it was addressed and the outcomes in each case. All information should be stored securely and reported to the board and directors.

d. Have you received any reports in the last twelve months?
   Have you examined the reasons? Have you implemented appropriate changes to facilitate/ensure effective reporting of wrongdoing? Are they working?

POLICY ESTABLISHED IN CONSULTATION

e. Is the policy a corroborative effort of management and employees?
   What framework is in place to enable reporting of illegal, inappropriate or unethical conduct?
   Many policies are reactive to the law or corporate governance requirements. Have employees been advised as to why the policy was introduced? Have employees been consulted as to their views on appropriate reporting mechanisms, times etc?
   Do the policies and procedures allow for an integrated and co-ordinated procedure to address all wrongdoing?

INFORMATION AND TRAINING

f. Have all employees been given sufficient information and training in the reporting of wrongdoing?
   Have employees been given a copy of the policy and procedures? What is the process for new employees or casual/part time employees?

g. Do you have an ongoing awareness/promotion program?
   After the initial implementation of the program, what ongoing awareness and promotion is undertaken? How are employees advised of changes? Are employees given “wallet” cards providing a summary of how they can make a report? Do you have an employee newsletter? Is eLearning provided?

CLEARLY STEPPED OUT PROCESSES

h. Does the policy detail the steps that will be taken and what will happen on receipt of information?
   Do employees know what happens to their information? Are they told what actions you may/will take in response to their information? How are outcomes to be reported and to whom? Does your policy clearly state when an investigation will be carried out and the processes it will follow?

MULTIPLE REPORTING TIMES AND MEANS

i. Is an employee able to make a report 24/7 365 days a year?
   Most whistleblowing occurs out of hours when the person feels most comfortable and safe. Does your current procedure cover this time frame?

ANONYMITY AND CONFIDENTIALITY

j. Can a whistleblower report information confidentially and anonymously?
   Experience has shown whistleblowers are reluctant to speak up if they fear that their information may not be kept confidential or their identity become known. Do your policies demonstrate confidentiality and anonymity can be assured?

k. Does a whistleblower have the option to report the information to an external, independent and impartial third party?
   Despite an organisation's best efforts, some employees won't speak up internally for fear of reprisals or retribution. Do your procedures allow for independent external reporting where employees feel uncomfortable or unable to use the internal reporting option?
There are many instances in which a person fears making a report unless they have adequate support and protection. Have you created the position of a whistleblower protection officer? Is it clearly stated how they will support and protect the whistleblower if need be? Everyone is entitled to a presumption of innocence. People accused often suffer stress and emotional reactions. They need to know where they can find assistance and how to get it. An employer has an obligation to all parties including the person accused.

An outcome may be invalidated unless the parties know at the outset the consequences they face for breaching a policy. It should be clear to all parties who participate in a process (especially the person accused of misconduct) what action could be taken against them if the misconduct is proven.

Each step in the process from receiving the information to finishing an investigation and deciding the action to take to conclude a matter may need to be taken by different persons to ensure independence and impartiality. An investigator, for example, cannot decide to discipline or dismiss the person accused based on their findings without being open to prejudice or bias.

Not all inappropriate behaviour is illegal. Not all unacceptable conduct requires a formal reporting via the whistleblowing.