

# 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.*

**yourcall**



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**COMMITMENT FROM MANAGEMENT**

- i. **Is there a clear statement from senior management of your organisation's commitment to enable reporting of wrongdoing?**
- Create a clearly defined Code of Conduct.
  - Ensure senior management has committed to maintaining a workplace free of unacceptable behaviour and misconduct.
  - Ensure senior management has committed to addressing and investigating reported misconduct (Disclosures) and rectifying proven wrongdoing.

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**ONGOING REVIEW AND EVALUATION**

- ii. **Have you reviewed your whistleblowing policy and procedures in the last two years? (And recently in light of significant legislative amendments)**
- Evaluate policies for effectiveness.
  - Ensure changes to the law and corporate governance requirements are reflected in your policy and procedures.
  - Communicate changes to the policy and procedures to officers and employees.
- iii. **Do you have a committee to review disclosures received, action taken and outcomes?**
- Establish an independent committee, comprising of senior personnel, to review all disclosures received, how they were addressed and the outcomes of each case for effectiveness, compliance and improvement.
  - Store all information securely and maintain confidentiality.
  - Establish reporting protocols to the Board of Directors to keep them informed of compliance and issues affecting the organisation's reputation.
- iv. **Have you received any disclosures in the last 12 months?**
- Ensure all cases have been evaluated and appropriate changes made to ensure effective processes have been implemented and maintained.
  - Investigate the effectiveness of the whistleblowing framework.

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**POLICY ESTABLISHED IN CONSULTATION**

- v. **Is the policy a collaborative effort of management and employees?**
- Advise employees as to why the policy has been introduced.
  - Consult employees concerning their views on effective reporting mechanisms and disclosure options.
  - Implement a framework in consultation with stakeholders to enable reporting and resolution of illegal, inappropriate or unethical conduct.
  - Ensure the policies and procedures allow for an integrated and co-ordinated procedure to address all wrongdoing.

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**INFORMATION AND TRAINING**

- vi. **Have you appointed trained officers, senior managers and others, as nominated by the law, to receive disclosures?**
- Disclosures can be made to any 'Eligible Recipient'. This includes company directors, members of the senior management team, company auditors and any other person authorised by the company to receive disclosures. Each of these people should be trained to deal with disclosures, maintain confidentiality and appropriately protect and support whistleblowers?
- vii. **Have all employees been given adequate information and training to make a disclosure?**
- Ensure all employees are provided with a copy of and information concerning the whistleblowing policy and procedures.
  - Ensure new employees are provided with a copy of the policy at onboarding and receive appropriate training.
- viii. **Do you have an ongoing awareness/promotion program?**
- Undertake ongoing awareness and promotion of the program to keep employees informed.
  - Advise employees of changes to the policy and procedures.
  - Consider providing employees with 'wallet' cards detailing how they can make a report, issuing an employee newsletter or providing eLearning resources.

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**CLEARLY STEPPED OUT PROCESSES**

- ix. **Does the policy detail what steps will be taken on receipt of a disclosure, how and by whom?**
- Ensure how and to whom disclosures may be made is explained.
  - Ensure employees are aware of the actions which may/will be taken in response to a disclosure.
  - Communicate how outcomes will be reported and to whom.
  - Ensure the policy clearly states when and how an investigation will be conducted.

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**MULTIPLE REPORTING TIMES AND MEANS**

- x. **Is an employee able to make a report 24/7 365 days a year if necessary?**
- Ensure employees are able to make reports after hours, including on weekends.

- xi. Does a whistleblower have alternative options to make a disclosure?
- Despite an organisation's best efforts, some employees won't speak up internally for fear of reprisals or retribution. Ensure alternative means are provided including an external and independent third party if employees feel uncomfortable or unable to use the internal reporting option. For example a 24/7 whistleblowing hotline and online service.

#### ANONYMITY AND CONFIDENTIALITY

- xii. Can a whistleblower make a disclosure confidentially and anonymously?
- Ensure the whistleblowing policy demonstrates confidentiality and anonymity can be assured. Employees are reluctant to speak up if they fear their information will not remain confidential or their identity will become known.

#### SKILLS, EXPERIENCE AND QUALIFICATIONS OF INDEPENDENT EXTERNAL PARTY RECEIVING REPORT

- xiii. Is the person or organisation to whom a disclosure is made appropriately trained or accredited?
- Ensure the person or organisation receiving the disclosure has a trusted reputation and proven capability, otherwise the whistleblower may be reluctant to report.
  - The person receiving the disclosure must have the required training, skills and qualifications to receive and deal with it.

#### PROTECTION AND SUPPORT AGAINST RETALIATION

- xiv. Are the protections and support available to a whistleblower against victimisation clearly stated?
- Establish the position of a Whistleblower Protection Officer to avoid fears and concerns in making a disclosure.
  - Ensure the role of the Whistleblower Protection Officer clearly shows how they will support and protect the whistleblower, if required.
- xv. Does the policy detail the assistance and protections available to a person accused of misconduct?
- An employer has an obligation to all parties, including the person accused, who are entitled to a presumption of innocence. People accused often suffer stress and emotional reactions. Ensure they know where they can find assistance and how to get it.

#### CONSEQUENCES OF MISCONDUCT SPELT OUT

- xvi. Are the consequences for misconduct, breaching the policy and making a false disclosure clearly defined?
- Ensure all parties who participate in a process, especially the person accused of misconduct, are aware of the consequences of proven misconduct. An outcome may be invalidated unless the parties are sufficiently informed of the consequences for breaching a policy.

#### KEY ROLES AND RESPONSIBILITIES

- xvii. Are roles and responsibilities of key persons defined?
- Ensure critical steps, from receiving a disclosure to finalising an investigation are allocated to appropriate/different personnel to ensure independence and impartiality and avoid conflict of interest.
  - An investigator, for example, cannot decide to discipline or dismiss the person accused based on their findings without being open to prejudice or bias

#### REPORTABLE MISCONDUCT DEFINED

- xviii. Does the policy outline the type of conduct or behaviour that should or should not be the subject of a disclosure?
- Ensure that the policy provides examples of the types of conduct that are reportable in accordance with the policy and how other types of complaints should be dealt with. For example, complaints by customers or should be dealt with under a Customer Complaints Policy, while personal work related grievances from employees should be dealt with under the HR grievance policy.

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