

# Inspiring community *Activity*



# BlueFit Whistleblower Policy Guidelines

## PURPOSE

This Whistleblower Policy Guideline details the procedure for managing whistleblower disclosures.

## REPORTING PROCESS

### 1. How to make a report

1.1. You should report a Disclosable Matter as practically soon after you become aware of it. If you wish to seek additional information before formally reporting a Disclosable Matter, you may contact any of the Eligible Recipients listed below, or an independent lawyer.

1.2. In the first instance, you should report a Disclosable Matter to:

(a) any of the Eligible Recipients, who are:

(i) Chief Financial Officer, Oscar Reed;

(ii) Chief Operating Officer, Josh Mahoney;  
and

(iii) Chief People Officer, Lauren Dittmer

(b) Whistleblower Protection Officers, who are:

(i) Chief Financial Officer, Oscar Reed;

(ii) Chief Operations Officer, Josh Mahoney;  
and

(iii) Chief People Officer, Lauren Dittmer

(c) Your Call, BlueFit's External Independent Hotline:

(i) Online 24/7: [www.yourcall.com.au/bluefit](http://www.yourcall.com.au/bluefit)

(ii) Telephone: 7am – midnight AEST, Business Days, 1300 790 228 AU

(d) To qualify for whistleblower protection, your report under paragraph 1.2 must be made directly to a person specified in paragraph 1.2.

(e) You may also report a Disclosable Matter to ASIC, APRA, AFCA or another Commonwealth body prescribed by regulation. This report will qualify for whistleblower protection under the Corporations Act.

(f) You may report a Disclosable Matter to a lawyer for the purpose of obtaining legal advice or representation relating to the operation of the whistleblower provisions in the Corporations Act. This report is protected even if the lawyer concludes that it does not relate to a Disclosable Matter.

### 2. Public interest or emergency disclosure

2.1. You must not report a Disclosable Matter to a member of parliament or a journalist unless it is a public interest disclosure or an emergency disclosure.

2.2. To make a public interest disclosure:

(a) you must have previously reported the Disclosable Matter to a regulator specified in paragraph 1.2 (e) of the Guidelines, and at least 90 days must have passed since that previous report;

(b) after that 90-day period, you must give the regulator who received that previous report, a written notice that:

(i) includes sufficient information to identify your previous report; and

(ii) states that you intend to make a public interest disclosure;

(c) you must not have reasonable grounds to believe that action is being, or has been, taken to address the matters relating to the previous report;

(d) you must have reasonable grounds to believe that making a further report to a member of parliament or journalist would be in the public interest; and

(e) you must disclose information to the member of parliament or a journalist only to the extent necessary to inform them of the Disclosable Matter.

2.3. To make an emergency disclosure:

(a) you must have reasonable grounds to believe that the Disclosable Matter concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;

(b) you must have previously reported the Disclosable Matter to a regulator specified in paragraph 1.2(e) of the Guidelines, and you must also subsequently give it a written notice that:

(i) includes sufficient information to identify your previous report; and

(ii) states that you intend to make an emergency disclosure; and

(c) you must disclose information to the member of parliament or a journalist only to the extent necessary to inform them of the substantial and imminent danger.

2.4. It is important for you to understand the above criteria for making a public interest disclosure or an emergency disclosure.

2.5. You should contact an independent lawyer before making a public interest disclosure or an emergency disclosure.

## INVESTIGATING REPORTS OF DISCLOSABLE MATTERS

### 3. Handling and investigating a report of a Disclosable Matter

3.1. If you report a Disclosable Matter under paragraph 1.2 of the Guidelines, to a person who works in BlueFit, you will be promptly notified that your report has been received.

3.2. You should not attempt to investigate any Disclosable Matter yourself.

3.3. BlueFit will need to assess your report to determine:

(a) whether it qualifies for protection as a Disclosable Matter; and

(b) whether an investigation is required.

3.4. BlueFit's response to a disclosure will vary depending on the nature of the disclosure (including the amount of information provided).

3.5. We will respond to any report of a Disclosable Matter where we believe that it was made on reasonable grounds.

3.6. While our process and timing may vary depending on the nature of the Disclosable Matter, these are the steps generally involved when dealing with a Disclosable Matter:

(a) we may:

(i) conduct an internal investigation into the substance of your report; or

(ii) appoint an external investigator to determine whether there is evidence to support the matters raised in your report;

(b) we may also take such other steps as we consider reasonably appropriate to properly assess your report and to determine appropriate outcomes;

(c) you may be asked to provide additional information to assist any assessment or investigation of your report, including a description of the facts and circumstances of the misconduct or improper state of affairs or circumstances;

(d) we will decide what steps should be taken to address any verified misconduct or improper state of affairs or circumstances; and

(e) you may receive feedback on the progress or outcome of the assessment or investigation (subject to privacy and confidentiality restrictions).

3.7. Without your consent, we cannot disclose information that is likely to lead to your identification as part of our investigation process, unless:

(a) the information does not include your identity;

(b) we remove all information relating to your identity or other information that is likely to lead to your identification (for example, your name, position title and other identifying details); and

(c) it is reasonably necessary for investigating the issues

raised in your report.

3.8. We acknowledge the limitations of our investigation process. We may not be able to undertake an investigation if we are not able to contact you (for example, if the report is made anonymously and you have refused to provide, or have not provided, a means of contacting you).

3.9. Where possible, we will provide you with regular updates if you can be contacted (including through anonymous channels). The frequency and timeframe may vary depending on the nature of your report.

## PROTECTIONS FOR WHISTLEBLOWERS

### 4. What protections will a whistleblower receive?

4.1. We are committed to protecting and supporting whistleblowers who report a Disclosable Matter according to the Policy. If you report this, the following protections are in place to protect you:

(a) identity protection (confidentiality) (see paragraph 5);

(b) protection from detrimental acts or omissions (see paragraph 6);

(c) compensation and other remedies (see paragraph 7);  
and

(d) civil, criminal and administrative liability protection (see paragraph 8).

14.2. Those protections apply not only to internal disclosures, but to disclosure to lawyers, regulatory and other external bodies, and public interest disclosures and emergency disclosures described in paragraph 2.

4.3. You can remain protected even if your disclosure is later found to be incorrect.

### 5. Identity protection (confidentiality)

5.1. Disclosures can be made anonymously, and whistleblowers are not required to identify themselves to qualify for protection under the Corporations Act.

5.2. You may remain anonymous throughout the reporting and investigation process, including after it concludes. You can refuse to answer questions that you feel could reveal your identity at any time, including during follow-up conversations. If you wish to remain anonymous, you should maintain ongoing two-way communication with BlueFit, so that BlueFit can ask follow-up questions or provide feedback.

5.3. BlueFit will take reasonable steps to protect your identity, including redacting personal information, securing documents, and limiting access to those involved in the investigation.

5.4. If you choose to remain anonymous, the most practical way to protect your anonymity is to contact us via an anonymised email address [or the external whistleblowing hotline]. If we need to speak to you to investigate your report, we will advise you how

we propose to do that and maintain your anonymity.

5.5. You may adopt a pseudonym for the purpose of your report. This may be appropriate where your identity is known to your supervisor or an Eligible Recipient, but you prefer not to disclose your identity to others.

5.6. If you do not disclose your identity, BlueFit will assess the content of your report in the same way as if you had revealed your identity, and any investigation will be conducted as is possible in the circumstances. However, this may make it difficult to investigate the reported matter unless sufficient information is provided, and it may be difficult to offer you the same level of practical support and protection if BlueFit does not know your identity.

5.7. All information disclosed in your report, including your identity (where you choose not to disclose this), will remain confidential to the extent required by law.

5.8. If you report a Disclosable Matter under the Policy, a person cannot disclose your identity or information that is likely to lead to your identification (which the person obtained directly or indirectly because of your report), except under paragraphs 5.8(a) and (b) below.

(a) A person can disclose your identity:

- (i) to ASIC, APRA or a member of the AFP or (for tax-related disclosures) to the Tax Commissioner; and
- (ii) to a lawyer (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act);
- (iii) to a person or body prescribed by regulations; or
- (iv) with your consent.

(b) A person can disclose information contained in your report, with or without your consent, if:

- (i) the information does not include your identity;
- (ii) we have taken all reasonable steps to reduce the risk that you will be identified from the information; and
- (iii) it is reasonably necessary for investigating the issues raised in your report.

2.9. It is illegal for a person to disclose your identity or information that is likely to lead to your identification, except under paragraphs 5.8(a) and (b) above. You may lodge a complaint about a breach of confidentiality with:

- (a) the Chief Executive Officer; or
- (b) a regulator, such as ASIC, APRA or the Australian Taxation Office, for investigation.

2.10. Measures that we will take to protect your identity include the following:

(a) all personal information or references to you will be redacted in relevant documents;

(b) where possible, we will consult with you to identify any aspects of your report that could inadvertently identify you;

(c) all paper and electronic documents and other materials relating to the disclosure will be stored securely;

(d) access to information relating to the disclosure will be limited to those directly involved in managing and investigating the disclosure; and

(e) 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.

#### 6. Protection from detrimental acts or omissions

6.1. If you report a Disclosable Matter under the Policy, you are protected by law from any form of detriment in relation to your report.

6.2. It is unlawful for anyone to cause or threaten Detriment to you (or any other person) because they believe or suspect that you have made, may have made, or intend to make or could make a report that qualifies for whistleblower protection.

6.3. Detriment includes the following conduct:

- (a) dismissal of an employee;
- (b) injury of an employee in their employment;
- (c) alteration of an employee's position or duties to their disadvantage;
- (d) discrimination between an employee and other employees of the same employer;
- (e) harassment or intimidation of a person;
- (f) harm or injury to a person, including psychological harm;
- (g) damage to a person's property;
- (h) damage to a person's reputation;
  - (i) damage to a person's business or financial position; or
  - (j) any other damage to a person.

6.4. Reasonable management actions, such as performance reviews or protective relocations are not considered a detriment.

6.5. Threats of detriment can be express or implied, conditional or unconditional. If you or another person have or has been threatened, it is not a requirement for you or the other person to actually fear that the threat will be carried out.

6.6. To the extent it is reasonable and practical to do so, we will monitor and manage the behaviour of any people who are

involved in your report.

6.7. We will take all reasonable precautions to ensure that you (and your colleagues and relatives) are not harmed, injured, intimidated, harassed, bullied or victimised by any of our employees, officers, contractors, suppliers, consultants and directors.

6.8. We will consider any reasonable requests for additional protections that you may make or we consider necessary for your protection (for example, leave of absence during any investigation).

6.9. If you believe you have suffered detriment, you may seek independent legal advice or contact regulatory bodies such as ASIC, APRA or the Australian Taxation Office.

6.10. An employee who causes, or threatens to cause, detriment to any suspected whistleblower (being a person whom the employee suspects has reported or will report a Disclosable Matter) may be subject to disciplinary action up to and including termination of employment. Legal remedies are also available under the Corporations Act and includes:

- (a) compensation for loss or damage;
- (b) injunctions to prevent or stop detrimental conduct;
- (c) reinstatement to your former position;
- (d) apologies; or
- (e) pay exemplary damages to the suspected whistleblower or to any other person.

6.11. The employee may also be subject to court orders under the Corporations Act, to enforce these remedies.

#### 7. Compensation and other remedies

7.1. You (or any other employee or person) can seek compensation and other remedies through the courts:

- (a) for suffering loss, damage or injury because you reported a Disclosable Matter under the Policy; and
- (b) if BlueFit failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

7.2. You should seek independent legal advice on compensation or other remedies that may be available.

#### 8. Civil, criminal and administrative liability protection

8.1. You are protected from any of the following in relation to your report of a Disclosable Matter under the Policy:

- (a) civil liability (for example, any legal action against you for breach of an employment contract, duty of confidentiality or another contractual obligation);
- (b) criminal liability (for example, attempted prosecution of you for unlawfully releasing information, or other use of your report against you in a prosecution (other than for making a false disclosure)); and

(c) administrative liability (for example, disciplinary action for making the report).

8.2. The above protections do not grant immunity for any misconduct you have engaged in that is revealed in your report. For more information, you should seek independent legal advice before making your report.

#### 9. Ensuring fair treatment of individuals mentioned in a disclosure

9.1. Measures that we will take to ensure fair treatment of our employees who are mentioned in any report of a Disclosable Matter under the Policy, or who are the subject of any such report, include the following:

- (a) disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- (b) each disclosure will be assessed and may be the subject of an investigation;
- (c) a discloser or an employee who is the subject of a disclosure may use BlueFit's employee support services, [insert name of EAP] Employee Assistance Program.

## Questions

If you have any questions arising from these Whistleblower Policy Guidelines, please contact the Chief People Officer.

### Evaluation and review

The Chief People Officer is responsible for monitoring, reporting and reviewing the Policy and the Whistleblower Policy Guidelines, and will ensure that:

- (a) this policy is reviewed at least once every 2 years by the Board of directors of BlueFit; and
- (b) compliance with these Guidelines is monitored regularly, and the effectiveness of this policy is reported to the Board of directors of BlueFit.

This policy may be amended by resolution of the Board of directors of BlueFit.

Document change history

Version no.	Conducted By	Approved By	Date	Details

### Definitions

In these Whistleblower Policy Guidelines:

**AFCA** means Australian Financial Complaints Authority.

**AFP** means the Australia Federal Police as defined in the Australian Federal Police Act 1979 (Cth).

**BlueFit** means BlueFit Pty Ltd (ACN 127 508 230) and all its related entities.

**APRA** means the Australian Prudential Regulation Authority.

**ASIC** means the Australian Securities and Investments Commission.

**Associate** means associate as defined in the Corporations Act.

**Corporations Act** means the Corporations Act 2001 (Cth).

**Detriment** has the meaning given in the Policy.

**Disclosable Matter** has the meaning given in clause 3 of the Policy.

**Eligible Recipient** means a person referred to in clause 5.2 of the Policy.

**Policy** means the BlueFit Whistleblower Policy.

**Whistleblower Protections Officer** means a person who has responsibility for managing a whistleblower disclosure made to an Eligible Recipient.

