

# Protected Disclosures (Whistleblower) Policy

Approved Date: 27 June 2024



## INTRODUCTION

This policy describes Blis Technologies' (BLIS) commitment to encouraging an open, honest and transparent culture and conducting all business activities with integrity and the highest standards of personal conduct and ethical behaviour.

## PURPOSE AND SCOPE OF THIS POLICY

BLT is committed to maintaining an environment in which individuals are able to raise concerns, in confidence, about suspected or actual serious wrongdoing without fear of reprisal or feeling threatened in doing so. It is on our best interests if it is reported. We will not tolerate any behavior that stops someone from reporting serious wrongdoing.

The purpose of this policy is to facilitate the disclosure and investigation of serious wrongdoing. The policy explains what serious wrong-doing is, the process for making a disclosure and the protections that are available.

If you are aware of any possible serious wrong doing within BLIS, you have a responsibility to disclose that information at the earliest opportunity for further investigation. One way to do this is to make a protected disclosure using the process set out in this Whistleblower Policy.

This policy applies to all BLIS workers (including employees, contractors, directors and volunteers). For the purpose of this policy, BLIS workers also includes former BLIS workers.

## PROTECTED DISCLOSURES ACT

The Protected Disclosures (Protection of Whistleblowers) Act 2022 ("**the Act**") sets out procedural requirements for workers reporting concerns and provide many protections to workers so that they can disclose their concerns in confidence and without fear.

A "**Protected Disclosure of Information**" is a disclosure of information where a Worker believes on reasonable grounds, that there is, or has been, serious wrongdoing and does not disclose in bad faith.

"**Serious wrongdoing**" includes:

- Unlawful or inappropriate behaviour
- Corrupt, fraudulent or mismanagement of BLIS' funds or resources
- Any unsafe behaviour that could cause serious risk to public health or safety or the environment.
- An offence or breach of law
- Anything that is oppressive, discriminatory, or amounts to harassment or is negligent

## PROTECTIONS UNDER THE ACT

A disclosure will be "protected" under the Protected Disclosures Act if:

- the information is about serious wrongdoing in or by BLIS; and
- you believe on reasonable grounds the information is either true or likely to be true; and
- you wish to disclose the information so that the alleged serious wrongdoing can be investigated; and
- you wish the disclosure to be protected.

BLIS workers using procedures under the Protected Disclosures Act will be protected by:

- immunity from civil and criminal liability by reason of having made or referred that disclosure of information.
- the personal grievance provisions in the Employment Relations Act 2000 if the employee claims that they have suffered retaliatory action as a result of making a protected disclosure;
- the victimisation provisions of the Human Rights Act 1993; and
- BLIS requiring the person receiving the disclosure to maintain confidentiality except in limited cases.

Your disclosure won't be protected if:

- you know the allegations are false; or
- you act in bad faith; or
- the information you're disclosing is protected by legal professional privilege; or
- the information is not about serious wrongdoing (and you do not have reasonable grounds to believe it is about serious wrongdoing).

## THE PROCESS FOR MAKING A DISCLOSURE AND WHAT SHOULD BE PROVIDED

If a Worker reasonably and genuinely believes there has been a serious wrongdoing they should report it immediately and follow the processes below. The sooner a matter is raised and investigated, the better.

The main way to report a disclosure is to the Chair of the [Audit and Risk Committee](#).

Or, the alternative options available include:

- The Chief Executive Officer, or
- Your Manager or the Chief Financial Officer, or
- An Appropriate Authority.

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You may make a disclosure at any time either in person, by email, telephone call or in writing (which is preferred).

If you would prefer to remain anonymous, you may record your concern or allegation in a way that does not reveal your identity. However, providing details of your identity and being available to participate in the investigation can assist to ensure that the suspected serious wrongdoing is able to be fully investigated.

## What should you provide?

To assist any investigation it would be helpful if the disclosure included as much detail and information as possible, such as:

- The name or the names of the people allegedly involved;
- Names of any witnesses;
- Facts including details relating to the time and/or place of the wrongdoing and supporting evidence;
- Money or assets involved;
- How often this incident has happened

It is important that you keep the matter confidential and do not discuss it with other staff or potential witnesses. This is to avoid any potential conflicts of interest and/or so that if there is an investigation about the matter later, those individuals would be able to provide an independent account of events to the investigator.

## APPROPRIATE AUTHORITIES

You can also make a disclosure to an external "**Appropriate Authority**", at any time There are a number of appropriate authority's including an Ombudsman, the Commissioner of Police and they are listed in the Act.

An Appropriate Authority does not include a Minister of the Crown, member of Parliament or the media.

## PRIVACY AND CONFIDENTIALITY

At the heart of the process is the need for confidentiality. We will do our best to keep any disclosure confidential, and share only what is necessary. You of course can choose to have your identity disclosed.

There are also some very limited circumstances in which it may not be possible to maintain confidentiality and we would discuss these with you before releasing any identifying information.

## HOW BLIS WILL RESPOND

All reports of serious wrongdoing will be treated seriously and be the subject of a thorough investigation with the objective of finding evidence that either substantiates or refutes the allegations made by the whistleblower.

### On receipt of a disclosure, we will:

- a) Notify the CEO for the purposes of formally recording it on a central register unless the CEO is involved.
- b) Consider if the disclosure is a protected disclosure
- c) Acknowledge receipt and the date the disclosure was received
- d) Check with you to see whether the disclosure has been made elsewhere (unless it is anonymous)

Then depending on the nature of the disclosure do one or more of the following:

- a) If warranted, fully investigate.
- b) address any serious wrongdoing by acting or recommending action:
- c) refer the disclosure to an Appropriate Authority (having consulted with you):
- d) decide that no action is required, which may be because the matter is best dealt with as employment matter.

Whatever we do, prompt action will be taken and we will tell you within 20 working days what is to be done or going to be done.

## INVESTIGATIONS

If an investigation is warranted we can assure you it will be conducted:

- In a fair and equitable manner and within the principles of natural justice;
- By a person who is unbiased and impartial;
- The investigator will notify all appropriate parties, as required, within the bounds of confidentiality.
- Advise you of the outcomes of any investigation, subject to confidentiality and privacy issues.

## INABILITY OR FAILURE TO ACT OR CONCERNS

If we cannot act within the 20 working days, we will keep you informed and provide updates on progress.

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If you have concerns with the way the investigation is progressing or the outcome of an investigation there are avenues for you to raise concerns.

## WHISTLEBLOWER ANONYMITY

The identity of the whistleblower will be kept strictly confidential unless:

- The whistleblower consents to disclosure of their identity.
- The disclosure is required by law.
- Disclosure is necessary to prevent serious risk to public health or public safety or the environment.
- Disclosure is necessary to ensure that a fair process (natural justice) is followed in relation to the disclosure.
- Disclosure is necessary to protect or enforce BLIS' legal rights or interests.
- Disclosure is necessary to defend any claims.

## WHISTLEBLOWER PROTECTION

Provided the whistleblower has not been involved in the serious wrongdoing reported, they will not be penalised or personally disadvantaged because they have reported a matter. BLT will not tolerate whistleblowers being:

- dismissed by reason of having reported serious wrongdoing;
- demoted by reason of having reported serious wrongdoing;
- harassed or victimised; and / or
- discriminated against.

A whistleblower who believes they or their family have been the victim of any of the above as a result of their whistleblowing should immediately report the matter to the Chair of the Audit & Risk committee.

Subject to the facts of an investigation, a whistleblower who has been involved in the reported serious wrongdoing but has reported it nonetheless, will have this taken into account as a mitigating factor in determining what, if any, disciplinary or other action may be appropriate in respect of their involvement. BLIS has no power to provide immunity from criminal prosecution.

## PROTECTIONS

If you believed on reasonable grounds that the information disclosed was about a serious wrongdoing, but were mistaken, the disclosure will still be protected and all the protections available under the Act and this Policy will be available to you.

The only circumstances in which the protections are not available would be if a false allegation was made or you acted in bad faith, in which case there may be disciplinary action.

## GRIEVANCES

This Policy is not intended for employees to report alleged personal grievances nor should it be used to appeal disciplinary decisions or interfere with a disciplinary process. Employees must instead report grievances or raise concerns about disciplinary procedures in accordance with the process set out in the employment relationship problems clause in their employment agreement.

## INFORMATION, GUIDANCE AND PUBLICATION

All employees may approach the CEO, or the Chair at any time with any questions about this Policy, procedures or the processes.

External information and guidance can also be sought at any time from the Office of the Ombudsman. The Office of the Ombudsman is contactable on 0800 802 602, at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by email: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

## RELATED POLICIES, PROCEDURES AND LEGISLATION

- BLIS Code of Ethics
- Protected Disclosures (Protection of Whistleblowers) Act 2020, Human Rights Act 1993, Employment Relations Act 2000 and Privacy Act 2020.

## REVIEW

This policy should be reviewed every two years.