



# TASMAN ENVIRONMENTAL TRUST

## WHISTLEBLOWER POLICY

Policy number	10	Version	1
Drafted by	Marios Gavalas	Approved by Board on	October 2023
Responsible person	Sky Davies	Scheduled review date	April 2025

### INTRODUCTION

This policy describes TET's commitment to encouraging an open, honest, and transparent culture in conducting all its activities with integrity, in a legal and ethical manner.

### PURPOSE

We are committed to maintaining an environment in which individuals are able to raise concerns regarding actual or suspected serious wrongdoing. To encourage reporting of serious wrongdoing, requires a process whereby TET personnel can report concerns freely and without retaliation or intimidation. Also in the knowing their concerns will be acted upon in a fair and comprehensive manner.

The purpose of this Policy is to facilitate the disclosure and investigation of serious wrongdoing in or by TET, to meet its obligations under the Protected Disclosures Act 2000 and to protect employees who disclose serious wrongdoing. If you are aware of any possible serious wrongdoing within TET, you have a responsibility to disclose that information at the earliest opportunity for further investigation.

One way to do that, if the wrongdoing is serious, is to make a protected disclosure (commonly referred to as a "Whistleblower complaint") using the procedure set out in this Whistleblower Policy (Page 7)

### SCOPE

This policy applies to all TET personnel (including employees, contractors, trustees and volunteers).

## 1. Protected Disclosures Act

Under the Protected Disclosures Act, serious wrongdoing is:

- conduct that poses a serious risk to public health and safety, the environment; or
- behaviour that interferes with the maintenance of the law; or
- any criminal offence.

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

- the information is about serious wrongdoing in or by TET; 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.

TET personnel 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
- TET 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).

## 2. Whistleblower Anonymity

The identity of the whistleblower will be kept strictly confidential by those in TET supporting the investigation 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 TET's legal rights or interests.
- Disclosure is necessary to defend any claims.

## 3. Whistleblower Protection

Provided the whistleblower has not been involved in the serious wrongdoing reported, and notwithstanding 6 below, they will not be penalised or personally disadvantaged because they have reported a matter.

TET 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 TET Investigator. Where such an incident occurs, the TET HR Policy 4.10 on bullying will apply.

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. TET has no power to provide immunity from criminal prosecution.

## 4. Communication with the Whistleblower

The whistleblower will be kept informed of the outcome of the investigation of their disclosure, subject to privacy and confidentiality requirements. Whistleblowers must maintain confidentiality of all reports and not disclose details to any person.

## 5. External Disclosures

In some circumstances, it may be appropriate to make a disclosure to an external agency, for example, the New Zealand Police. To make a protected disclosure, you are required to use the internal process outlined in this Policy unless:

- you believe on reasonable grounds that the Trust Manager is or may be involved in the serious wrongdoing;
- you believe that the matter is so urgent or there is some other exceptional circumstance that would justify the Trust Manager immediately contacting an external authority;
- there has been no action or recommended action on the matter within 20 working days of the disclosure being made.

For clarity, the media is not an appropriate external authority. An 'appropriate external authority' includes any regulator or law enforcement agency.

## 6. False Wrongdoing Reports

If it is established by the TET Investigator that the whistleblower is not acting in good faith, or has made a false report of wrongdoing, they may be subject to appropriate disciplinary procedures. Whistleblowers must ensure, as far as possible, that reports are factually accurate and presented in an unbiased manner.

## 7. 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.

Also refer to Policy 6 | Complaints Policy

## 8. Records of Reports

All information, documents and reports relating to an investigation of reported misconduct will be secured in a confidential manner by TET.

## Appendices

### Appendix 1 | Related legislation and documents

New Zealand Employee Relations Act 2000

New Zealand Human Rights Act 1993

New Zealand Protected Disclosures Act 2000

[Protected disclosures - internal policies and procedures - July 2022 0.pdf \(ombudsman.parliament.nz\)](#)

[Making a protected disclosure - a guide to "blowing the whistle" | Ombudsman New Zealand](#)

### Appendix 2 | Definitions

**Disclosure:** A report of Wrongdoing under this Policy

**Worker:** Any individual who carries out work in any capacity for TET in any jurisdiction including employers, employees, trustees, contractors, sub-contractors, an employee of a contractor or subcontractor, volunteers doing work activity, people receiving work experience, people receiving on-the-job training.

**Wrongdoing:** A Wrongdoing is a serious breach of TET's ethical or legal standards. It can include but is not limited to the following:

- a. serious breach of TET's Values and Conduct guidelines as set out in 4.0 HR Policy or other policy;
- b. the illegal, corrupt or irregular use of TET's funds or resources;
- c. conduct that is a serious risk to the health and safety of any person
- d. conduct that is a serious risk to the environment;
- e. conduct that exploits vulnerable or marginalised people or communities;
- f. conduct that is a serious risk to the maintenance of law, including the prevention, investigation and detection of criminal offences and the right to a fair trial;
- g. any conduct that is a criminal offence;
- h. bullying, harassment, discrimination or oppressive conduct;
- i. physical, sexual or emotional abuse or exploitation;
- j. gross mismanagement or negligence;
- k. abuse of authority; and
- l. breaches of human rights.

**Whistleblower:** All TET personnel who makes a report in good faith under this Policy in connection with serious wrongdoing (disclosure) and wants to protect themselves against retaliation for having made the disclosure.

**TET Investigator :** A designated TET representative (assigned by the Trust Manager, who may also be the investigator) with responsibility for conducting preliminary investigations into disclosures received from a whistleblower. The WIO will investigate the substance of the disclosure to determine whether there is evidence in support of the disclosure, or alternatively to refute the disclosure. . The TET Investigator, will be a person who is not associated with the area under investigation. and may be an internal or external person, depending on the circumstances.

have access to independent advisors as required. TET Investigators may be, but not limited to the Trust Manager, Operations Manager and Board Chair.

## **AUTHORISATION**

**Date:** October 2023

Tasman Environmental Trust



# TASMAN ENVIRONMENTAL TRUST

## WHISTELBLOWER PROCEDURE

Procedure number	10.1	Version	1
Drafted by	Marios Gavalas	Approved by Board on	
Responsible person	Sky Davies	Review date	

### Reporting Serious Wrongdoing

If a TET employee, former employee, contractor, trustee or volunteer becomes aware of serious wrongdoing, they are encouraged to report the conduct to the Trust Manager. Wrongdoing may also be reported through other communications channels. For example, Whistleblowers may wish to first discuss the matter informally with the Trust Manager. At all times these discussions will remain confidential.

### What to include in your disclosure?

You should include enough information to enable the TET Investigator to investigate the matter fully and fairly. 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 the Whistleblower Investigations Officer to ensure that the suspected serious wrongdoing is able to be fully investigated.

The type of information to include in your disclosure is:

- Names of people involved
- Names of any witnesses
- Date, time and location of incident(s)
- Details of any proof (including relevant documentation whether hardcopy or electronic)
- 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 personnel or potential witnesses. This is to avoid any potential conflicts of interest and/or so that when an investigation takes place about the matter later, those individuals would be able to provide an independent account of events to the investigator.

## **Investigation**

All reports of 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.

Investigations are undertaken by the TET Investigator who will respond to all concerns raised and report to the Whistleblower Protection Officer.

Following a report of serious wrongdoing, the following procedure is followed:

- The TET Investigator will provide the report to the Board Chair.
- The Board Chair will review the report and determine the appropriate process for investigation, inform the whistleblower and determine what resources are needed, such as assistance of other personnel or external professional advice.
- Once the investigation report is completed, the Trust Manager or Chair will advise and debrief the whistleblower on the outcome.

## **Reporting the Investigation Findings**

The response will include addressing any unacceptable conduct and remedial action to prevent future occurrences of the same behaviour. In the event of the Trust Manager being the subject of an investigation or allegation, the Chair will determine the appropriate response. Where allegations of serious wrongdoing made against another person cannot be substantiated, that person will be advised accordingly.