



# **Registered Organisations Commission (ROC) Sydney Information Session**

**Implementing a Whistleblower Framework in  
your Organisation**

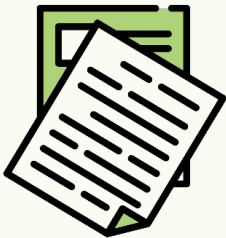
March 2019



# Session Outline



Promoting a  
'Speak Up' Culture



Implementing a policy  
framework for receiving  
whistleblower  
complaints



Investigating  
Whistleblower Complaints





# RO Act Whistleblower Scheme – a Recap

- Discloser
- Organisation
- Recipient
- Disclosable Conduct
- Examples of Disclosable Conduct



## Examples of contraventions

The following are just some examples of disclosable conduct if engaged in by an organisation or its officials:

- False or misleading statement in application (Div.136 Criminal Code)
- Refusing member of an organisation when eligible (s.166 RO Act)
- Using organisation's resources to favour one candidate over another in an organisation's elections (s.190 RO Act)



## Examples of contraventions (ctd)

- Breach of duties as an officer or employee in relation to financial matters (ss.285 to 288 RO Act)
- Coercion to exercise or not exercise a workplace right (s.343 FW Act)
- Adverse action due to membership/non-membership (s.346 FW Act)
- Breach of right of entry notice requirements (s.487 FW Act)
- Hindering or obstructing an entry permit holder (s.502 FW Act)
- Secondary boycotts (s.45D C&C Act)



## What's new?

Additional resources for:

- Organisations
- Disclosers
- Persons dealing with disclosures



# Responding to a protected disclosure

The ROC seeks to foster a culture of voluntary compliance in registered organisations. Consistent with this, the ROC encourages organisations, their officers and employees to address instances of potential non-compliance as soon as they become aware of them.

Part of how the ROC aims to achieve this is by providing registered organisations with guidance material to assist them in handling complaints, alleged breaches of internal rules and policies, as well as planning for and responding to reports of Disclosable Conduct.

The ROC has received feedback from stakeholders that organisations want support material and guidance to help manage matters.

The ROC recognises that some registered organisations do not have the internal resources to develop materials needed to manage and guide them.

Whistleblower information and material has been developed for registered organisations which aims to raise awareness of the whistleblower scheme and its provisions.

## Designated official and manager's guide to handling matters within registered organisations

The Designated official and manager's guide to handling matters within registered organisations has been created to provide designated officials, managers, senior officers and committees of management within registered organisations with tools and procedures to effectively encourage, manage, and support people who wish to raise complaints, breaches of internal rules or policies, or to make reports of 'disclosable conduct' within an organisation.



[Designated official and manager's guide to handling matters within registered organisations \(DOCX 147.1KB\)](#)

## Tools and checklists

More information about the tools available to assist organisations to effectively respond to disclosures and develop a speak up culture can be found on our '[Tools and checklists](#)' webpage.



## Infographic



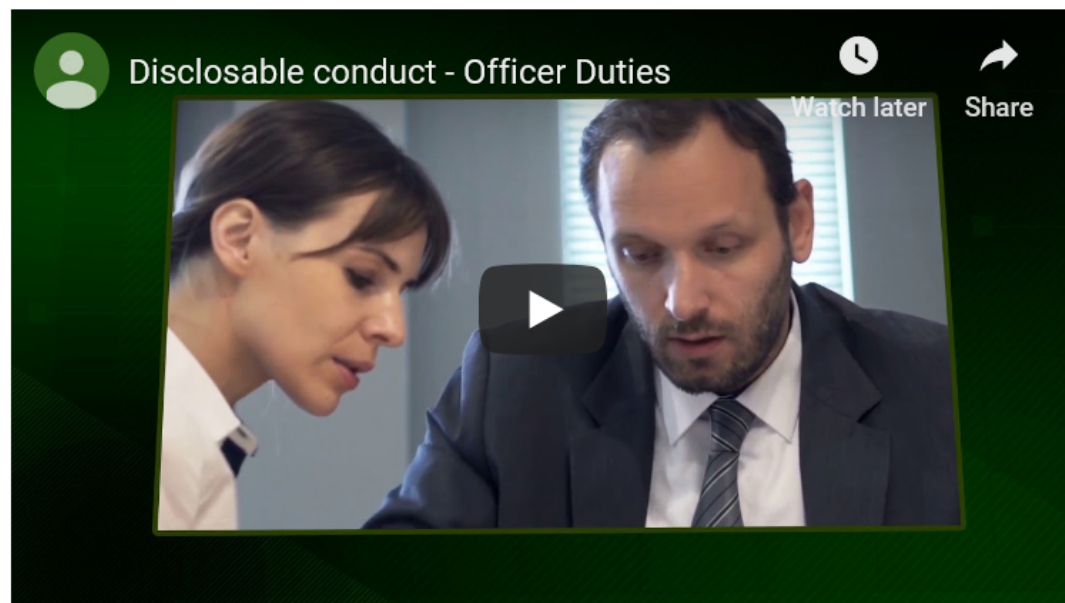
[Reporting disclosable conduct \(PDF 2.2MB\)](#)

This infographic provides a visual representation of what to consider prior to making a report of disclosable conduct to the ROC.

## Videos

### Officer's Duties

An allegation that an officer has breached an officer's duty under the RO Act may be a protected disclosure, depending on the circumstances of the disclosure. This video provides an example of the duty of officers to act with care and diligence in relation to the financial management of the organisation (s. 285 of the RO Act).



### Illegitimate Payments

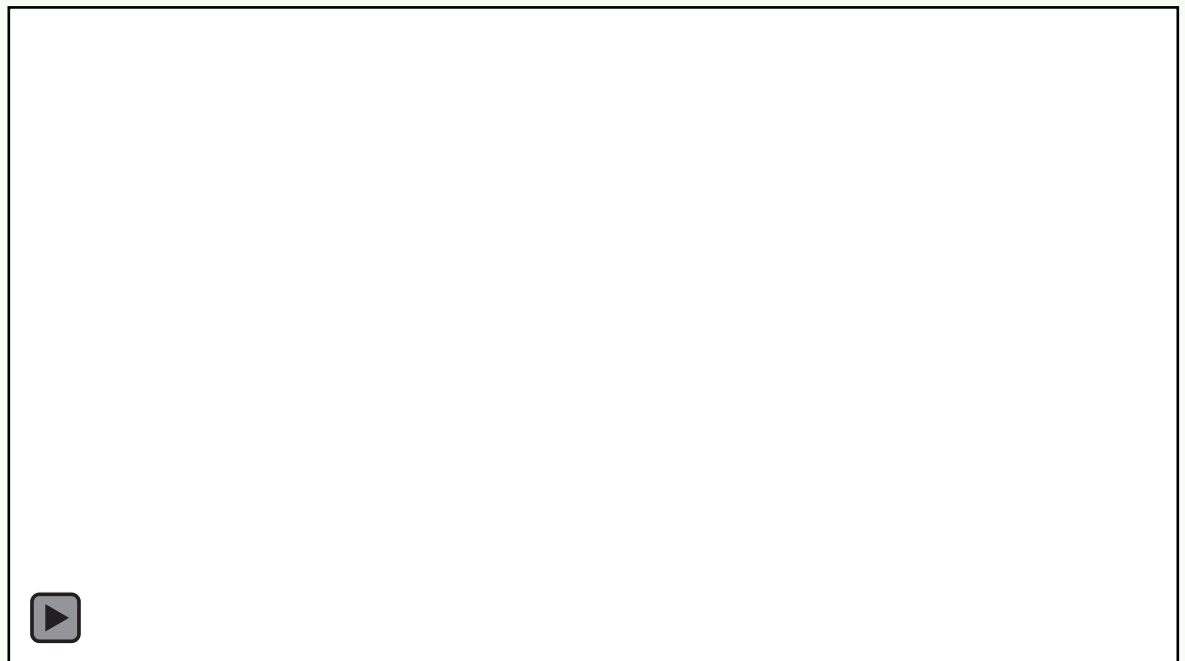
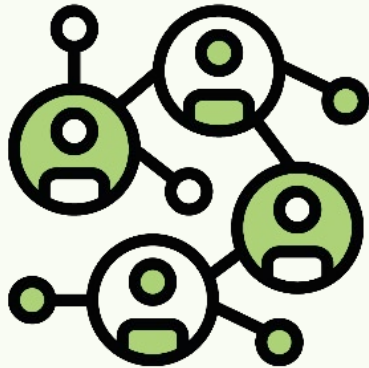
An allegation that an organisation and/or its officers and employees have made or received a cash or in kind payment to a union, or a union's prohibited beneficiary may be a protected disclosure, depending on the circumstances of the disclosure. This video explains what an illegitimate payment is and why they are an offence under the RO Act.



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# E-Learning Videos





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**What would stop you from speaking up  
about Disclosable Conduct?**





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**What can you do to encourage others to speak-up?**



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## Promoting a ‘Speak Up’ Culture

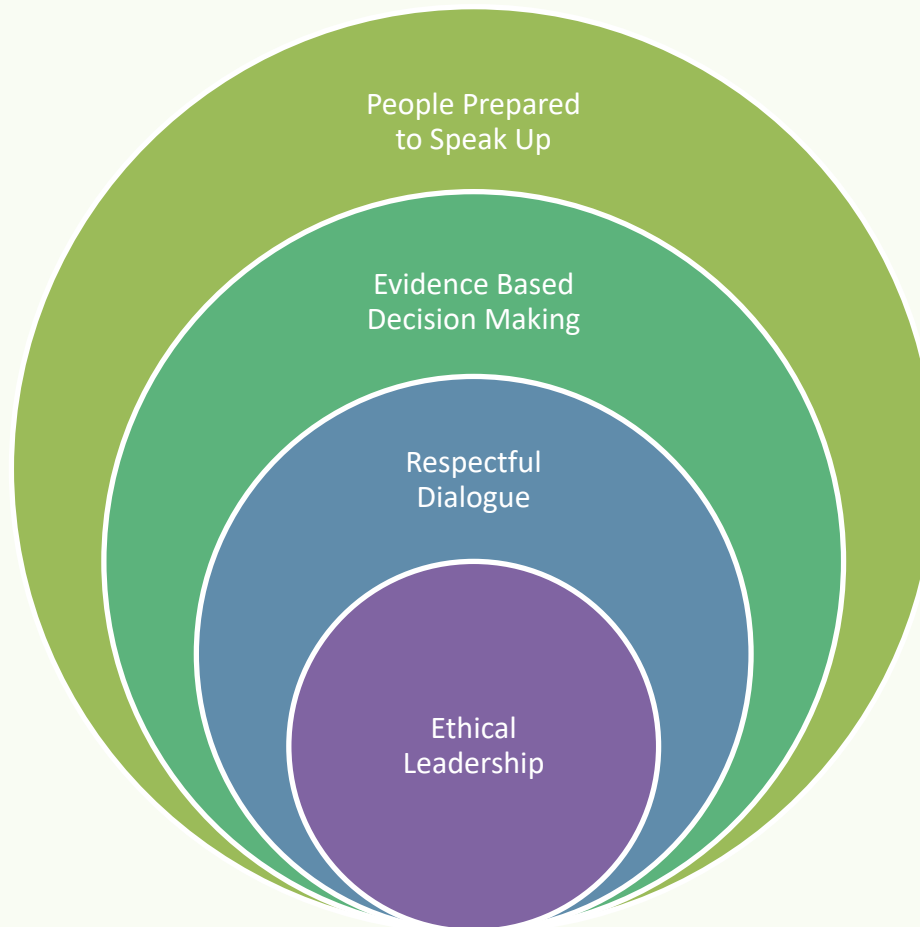


## ‘Speak Up’ Culture Defined

- A ‘Speak Up’ culture is one that encourages people within or associated with an organisation to speak up about things such as breaches of legislation, internal rules or policy.
- A ‘Speak Up’ Culture is a positive environment that allows people to voice their concerns without fear of reprisal.



# The Foundations of a 'Speak Up' Culture





**As leaders in our organisations, in what ways can we role model a ‘speak-up’ culture?**



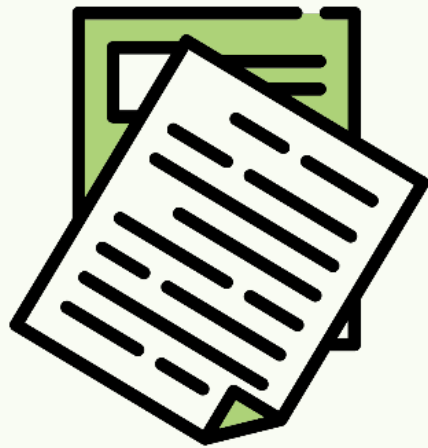
## Benefits of a 'Speak Up' Culture

- Promotes the reporting of suspected disclosable conduct
- Encourages a culture that supports officers, members and employees to voice their concerns without fear of reprisal
- Promotes the efficient management and investigation of complaints and misconduct matters within and external to organisations



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# Implementing a Whistleblower Framework



# Whistleblower Policy

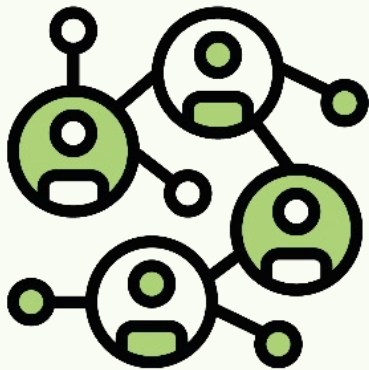
- Defines disclosable conduct and provides an understanding of what can be reported
- Demonstrates the importance the organisation places on ensuring a safe and supportive environment where people can raise whistleblower complaints
- Explains the process for reporting breaches of internal rules or policy or disclosable conduct and what happens when a report is made
- Outlines the protections for someone who makes a report



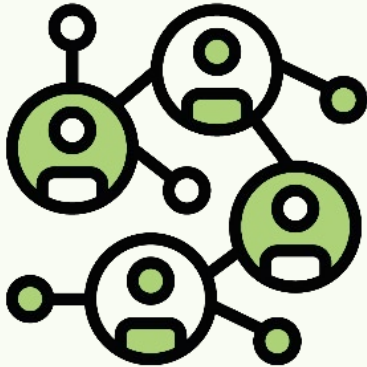


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## Template Whistleblower Policy



## Discloser's Guide to raising concerns



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**Who would receive a disclosure internally in your organisation?**



# Receiving reports of Disclosable Conduct within registered organisations

A discloser can raise the matter through normal channels within the registered organization. Normal channels may include:

- A designated official or manager
- A person from the relevant committee or from the HR team
- A senior official or the National Office
- The organisation's Whistleblower Investigation Officer
- In the case of a member, a local representative who is employed by the registered organisation (such as an organiser or industrial officer)



# Disclosures to the ROC and other external agencies

Where a matter is about disclosable conduct, the discloser (whether internal or external to the organization) is entitled to raise their concerns directly with the ROC or another agency designated to receive disclosures.



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# Investigating Whistleblower Complaints



# What happens after you receive a complaint?

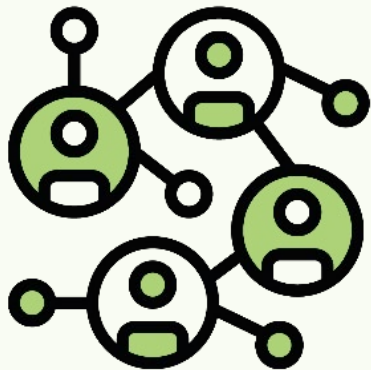
After receiving a complaint, assess the matter according to the organisation's rules and policies to determine the best way forward.

The action the registered organisation takes after investigating a matter may depend on the rules and policies in place.



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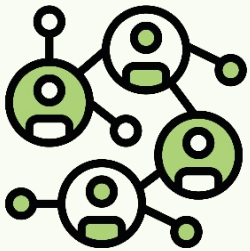


## Guide to Handling Matters within Organisations





# Investigations Tools and Checklists



[Guide for Registered Organisations](#)

[Investigation Checklist](#)

[Template Investigation Plan](#)

[Template Letters](#)



# Acting on a complaint

Examples of actions could include:

- A satisfactory explanation can be provided in relation to the matter
- The matter is resolved by speaking to one or more parties
- The matter is recorded and monitored going forward
- A decision is made to investigate (internally or via independent, external investigators)
- The matter is referred to another agency; or
- A combination of the above.



# How can my organisation implement a Whistleblower Framework?

Step 1: Develop your own processes (including internal policies for addressing disclosures) in order for the organization to deal with matters. This will assist you in promoting a ‘Speak Up’ Culture.

Step 2: Investigation Complaints – this can assist in both resolving matters and providing the ROC with relevant information about the matter should it be escalated

Step 3: Don’t take reprisals before, during or after a disclosure – the consequences include civil and criminal remedies. Remember to discourage others from taking reprisals.



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# Questions?



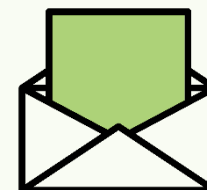
# For more information or to contact us



**ROC website**  
[www.roc.gov.au](https://www.roc.gov.au)



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