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## Purpose and Scope

A core value of the Electrical and Communications Association of Western Australia Inc.'s (ECA WA Inc.) Code of Conduct is to foster a positive and safe working environment for all people working with the association and to promote an organisation of the highest integrity.

ECA WA is committed to fostering a culture where people feel safe to report matters that are of concern to them. Should people witness suspicious or concerning conduct that is illegal or causes harm to a person or ECA WA Inc. this policy provides the mechanisms for reporting that behaviour or conduct.

The policy aim is to provide a framework which will:

- Ensure compliance with the relevant legislation
- Encourage people to express their concerns
- Describe how people may raise those concerns
- Protect people who raise concerns or who are implicated in a report; and
- Provide a method in conducting investigations into allegations.

## Application

This policy applies to any activities with a connection to those of ECA WA Inc. and ECA Legal Pty Ltd.

This policy applies to “disclosers”, meaning anyone who is, or has been any of the following with respect to ECA WA Inc.:

- An officer and/or employee,
- A board member,
- A supplier, contractor and/or consultant (including their employees), and
- Relatives and dependants of any of the above individuals.

## Location of the policy


This policy can be located on the Intranet and on the ECA WA Inc. website.

## Legislation

This policy is to be read in conjunction and complies with the following laws:

*Corporations Act 2001*

*Associations Incorporation Act 2015 (WA)*

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## Matters that can be reported

The types of conduct (Improper Conduct) that could be reported under this policy may include:

- Misconduct (such as fraud, dishonesty or corruption)
- An improper state of affairs
- Breaches of the Corporations Act 2001, financial sector laws enforced by the ASIC or APRA,
- Breaches of any other law of the Commonwealth that is punishable by imprisonment for 12 months, or
- Conduct that may cause serious risk to public health or safety, or to the financial system.

This conduct may apply to range of circumstances which is not limited, but may include:


- Gaining personal benefit when awarding a contract on behalf of ECA WA Inc.
- Receiving an unsolicited gift from a person or legal entity in return for an outcome
- Using ECA WA Inc. information for an unrelated purpose
- Dealing with ECA WA Inc. funds inappropriately
- Non-disclosure of the receipt of ECA WA Inc. funds
- Excessive use of benefits
- Providing discounts to friends or acquaintances
- Disclosing unauthorised, defamatory or untruthful information about ECA WA Inc. to media outlets.
- Destroying or otherwise inappropriately dealing with ECA WA Inc. records.

### *Exclusions*

The type of conduct under this policy **does not** include:

- Bullying
- Harassment
- Discrimination
- Disciplinary Issues
- Personal workplace grievances
- Wage or salary issues

Should you have any issues with the abovementioned exclusions these should be dealt with under the specific ECA WA Inc. Policy that applies to that conduct. Please report any instances of this conduct to the Human Resources Manager.

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## Raising a Concern

Should a type of Improper Conduct raise a cause for concern please report it directly to:

- A General Manager of ECA WA Inc.,
- The CEO of ECA WA Inc. or
- A Board Member of ECA WA Inc.

Alternatively, you can make a report to:

- An auditor of ECA WA,
- ASIC,
- APRA, or
- A lawyer.

## Protection

### *Confidentiality*

When a report of Improper Conduct is made by a discloser all information received will be dealt with confidentially and sensitively as far as it is permitted by law.

ECA WA will keep the identity of the discloser reporting conduct and any information likely to lead to the identification of the discloser (Confidential Information) confidential unless the person consents to the disclosure or disclosure is required by operation of law. ECA WA may disclose Confidential Information to ASIC, APRA, a member of the federal police or to a legal practitioner for the purpose of obtaining legal advice or representation.

During an investigation the discloser may also be requested to keep the information confidential until an appropriate time. This does not include reasonable parties such as a lawyer or family members. However, people raising concerns are asked to be mindful of the people they disclose information to. It is recognised that such information may be a heightened topic for discussion.

### *Anonymity*


When reporting Improper Conduct, people are encouraged to disclose their identity. However, if a person does not want to share their identity, the report will be treated in the same manner as if their identity had been disclosed. However, it is important to recognise that there may be some practical limitations to not disclosing their identity.

### *Action*

Any discloser making a report of Improper Conduct under this policy shall not be subject to any civil, criminal or administrative action (including disciplinary action) for making the report or participation in any subsequent investigation. No contractual or other remedy or right can be enforced or exercised against the discloser and the information is not admissible in evidence against the discloser other than in respect of false reporting.

### *Non-victimisation*

A discloser is protected from detriment, or threats of detriment for making a report. ECA WA Inc. will at all times take all reasonable steps to protect a discloser who makes a report of

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Improper Conduct or are associated with an investigation from victimisation. ECA WA Inc. strictly prohibits any detrimental conduct against anyone reporting Improper Conduct or involved in an investigation related to Improper Conduct. This detrimental conduct may include, but not limited to:

- Termination of employment
- Harassment, bullying, coercion or intimidation
- Personal or financial disadvantage
- Unlawful discrimination
- Deliberate harm or injury, including psychological harm
- Defamatory conduct or any damage to a persons' reputation including via social media

#### *Support for disclosers*

Through the process of reporting Improper Conduct all employees will be encouraged to engage the ECA WA Inc. Employee Assistance Program provider. For all non-employee's reporting concerning conduct a similar arrangement of counselling or support will be provided.

## **Investigation**

#### *Prima Facie Case*

Once Improper Conduct is internally reported, General Manager, the CEO or Board Member will review the matter with the HR Manager to determine if a prima facie case can be established. This may involve an examination of the initial report of the Improper Conduct and a preliminary review of the surrounding circumstances. Subject to the extent, seriousness and complexity of the matter if a prima facie case can be established, an external investigator may be appointed. It is critically important the investigator is independent. Any areas of potential conflicts of interest or personal bias must be disclosed prior to conducting an investigation.


The formal investigation will be predominantly fact finding. An external investigator will be appointed and may have access to any resources and materials required to competently complete the investigations. This may include interviewing relevant witnesses and access to ECA WA Inc's records. The investigation technique will depend on the nature of the conduct and the surrounding circumstances.

#### *Findings*

Once the investigator has concluded the investigation, a report and statement of material facts shall be presented to the CEO and HR Manager. The report may include some recommendations as to the next steps. Based on the CEO's review of the matter (and possibly advice from HR Manager to the CEO), the appropriate course of action will be determined in accordance with ECA WA Inc. protocol and/or policies. This may include, but not limited to:

- No action
- Low level counselling
- Disciplinary action
- Termination of employment
- Report to the relevant authorities

An important final step is for the CEO to close out the matter with all affected parties by either meeting with the parties concerned or by email or letter.

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*Support for persons implicated.*

An employee or officer who is implicated in a report of Improper Conduct has the right to be informed of the allegations and will be given the opportunity to respond and provide additional information if relevant (but subject to the discloser's right to anonymity). No action will be taken against any employee or officer who is implicated in a report under this policy until the investigation has been concluded. An employee or officer who is implicated may however be suspended on full pay during the investigation if it is deemed appropriate to do so. Implicated employees and officers will have access to the ECA WA Inc. Employee Assistance Program.

*Making False Reports*

Where it is evident that a discloser has made a false or deliberately misleading report of Improper Conduct, this conduct itself may be considered a serious matter or as misconduct. In such an instance, the discloser may be subject to disciplinary action in accordance with ECA WA Inc. policies.

\*End\*