

AFLPA Whistleblower Policy

Whistleblower Policy

Document control

Policy information

Policy approver	Paul Marsh
Policy owner name	Regan Bunny
Policy delegate name/s	Megan Comerford
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Purpose and Scope

The AFL Players' Association Limited (AFLPA) (ACN 662 842 033) is committed to providing a safe, professional and respectful workplace environment. As part of that commitment, the AFLPA has put in place a whistleblower system to encourage and support you to report suspected wrongdoing as soon as possible.

The purpose of this policy is to:

- promote a culture of ethical behaviour and accountability, and prevent and address wrongdoing if it occurs;
- set out details of the avenues available for you to raise any concerns of suspected wrongdoing and ensure that you can do so safely, securely and with confidence that you will be appropriately protected, supported and respected; and
- explain how the AFLPA will deal with any disclosures it receives.

This policy applies to the AFLPA and its related bodies corporate – AFL Players' Injury and Hardship Fund Limited and AFLPA Charity Fund Limited.

Protected Disclosures

In Australia, the *Corporations Act 2001* (Cth) and the *Taxation Administration Act 1953* (Cth) (“the whistleblower laws”) provide legal protection for whistleblowers. Further details about the protections available under the whistleblower laws are set out at section 5 of this policy.

Disclosures made in accordance with the requirements of the whistleblower laws are called “protected disclosures”.

You can make a protected disclosure if:

- (a) you are an “eligible whistleblower”;
- (b) the disclosure you make is about a “disclosable matter”; and
- (c) you make the disclosure directly to a person who is eligible to receive a protected disclosure.

Each of these requirements is explained further below. If you make a disclosure that meets all of these requirements, you will qualify for protection under the whistleblower laws and as outlined in this policy.

(a) You must be an “eligible whistleblower”

You are an “eligible whistleblower” if you are or have previously been one or more of the following:

- an employee of the AFLPA or its related bodies corporate;
- a director or officer of the AFLPA or its related bodies corporate;
- a person who supplies goods or services to the AFLPA or its related bodies corporate, or an employee of such a supplier;
- an individual associate of the AFLPA or its related bodies corporate; or
- a relative, dependant or spouse of any of the above individuals.

(b) You must make a disclosure about a “disclosable matter”

Only disclosures of certain types of information will qualify for protection under the whistleblower laws.

Information is a “disclosable matter” if the eligible whistleblower has reasonable grounds to suspect that the information disclosed:

- concerns misconduct or an improper state of affairs in relation to the AFLPA or its related bodies corporate, including fraud, negligence, default, breach of trust and breach of duty;
- indicates that the AFLPA, its related bodies corporate or any employee or officer has engaged in conduct that constitutes an offence under specific legislation, including the Corporations Act and the ASIC Act; or
- indicates that the AFLPA, its related bodies corporate or any employee or officer has engaged in conduct that constitutes an offence under a Commonwealth law that is punishable by at least 12 months’ imprisonment, or represents a danger to the public or the financial system.

Examples of this kind could include disclosures about:

- fraud, money laundering or misappropriation of funds;
- bribery or corruption;
- unethical or improper conduct;
- discrimination, harassment or violence;
- conduct that is adverse to basic human rights; or
- unsafe work practices or other significant safety concerns.

Disclosable matters could include conduct that may not necessarily involve a contravention of a particular law.

What types of matters do not qualify for protection?

Disclosures that are not about disclosable matters do not qualify for protection under the whistleblower laws.

Disclosures that relate solely to personal work-related grievances will generally not be protected, except in certain circumstances. Examples of personal work-related grievances include:

- an interpersonal conflict between the discloser and another employee;
- a decision about the engagement, transfer, promotion or terms of employment of the discloser; or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

A disclosure about a personal work-related grievance may qualify for protection if the grievance:

- also includes information about misconduct that is a disclosable matter (ie, a mixed report);
- concerns allegations of victimisation for making a disclosure;
- constitutes a breach of employment laws or other Commonwealth laws punishable by at least 12 months’ imprisonment; or
- represents a danger to the public or suggests misconduct beyond the discloser’s personal circumstances.

For personal work-related grievances that are not disclosable matters, employees should refer to the complaints procedure outlined in the AFLPA Employee Manual Code of Conduct.

(c) You must make the disclosure directly to a person eligible to receive a protected disclosure

In order to qualify for protection as a whistleblower, the disclosure must be made directly to someone who is authorised to receive protected disclosures. AFLPA offers several reporting options for making a disclosure internally or externally.

Stopline

AFLPA encourages all eligible whistleblowers to contact the AFLPA's external and independent whistleblower service, Stopline, when raising a concern under this policy. It is important to remember that whistleblowers can maintain anonymity if they wish.

Phone: **1300 30 45 50** (available 24 hours a day, 7 days a week)
 Website: Online reporting form at aflplayers.stoplinereport.com
 Email: makeareport@stopline.com.au
 Post: AFL Players' Association C/O Stopline
 PO Box 403, Diamond Creek VIC 3089

Whistleblower Protection Officers

Eligible whistleblowers can also contact one of the AFLPA Whistleblower Protection Officers listed below. These individuals have been appointed for the purposes of receiving protected disclosures under whistleblower laws.

Name	Role	Contact details
Regan Bunny	General Manager – Human Resources	Stopline can provide contact details if you wish to speak to any WPO directly.
Paul Marsh	Chief Executive Officer	
Andrew Twaits	Chair of AFLPA Board	

Other

While we encourage disclosures to firstly be made through Stopline or an AFLPA Whistleblower Protection Officer, an eligible whistleblower may also make a protected disclosure to:

- an AFLPA director, officer or senior manager;
- an AFLPA internal or external auditor or actuary;
- a relevant regulator such as ASIC or APRA;
- a legal practitioner for the purposes of obtaining legal advice or representation in relation to the operation of the whistleblower laws; or
- a journalist or member of Parliament in certain circumstances (there is a strict criteria for making such a disclosure and we recommend that you seek independent legal advice if you are considering doing this).

Making a disclosure

Disclosures may be made to Stopline, an AFLPA Whistleblower Protection Officer or other individual listed above by telephone, in writing (eg, by email) or in person. There is no requirement for disclosures to be made in a particular form.

Anonymous disclosures

You may make a protected disclosure on an anonymous basis and still be protected by the whistleblower laws. However, this may make it difficult to investigate and respond to the disclosed matter.

If you choose to make an anonymous disclosure, we encourage you to make your disclosure through Stopline, who will act as an intermediary between you and the AFLPA. Stopline can give the AFLPA the information needed to deal with the reported issue, and seek any additional information from you, without the risk of the AFLPA discovering your identity.

Otherwise, we recommend that you provide sufficient information to allow the matter to be properly investigated and provide a confidential two-way communication channel (eg, an anonymous email address) through which follow up questions can be asked and information provided.

You may choose to adopt a pseudonym for the purpose of the disclosure and can also choose to remain anonymous throughout the entire process, including after the investigation has been finalised.

False reporting

An eligible whistleblower can still qualify for protection even if their disclosure turns out to be incorrect. However, where it is shown that a person purporting to be a whistleblower has knowingly or recklessly made a false report of wrongdoing, then that conduct itself will be considered a serious matter and that person may be subject to disciplinary action.

Handling and investigating a disclosure

AFLPA takes all protected disclosures seriously and, where appropriate, will investigate protected disclosures that are received. All investigations into protected disclosures will be conducted fairly, without any bias or prejudice against either the whistleblower or any other person allegedly involved in the matter.

Assessment

As a first step, the AFLPA will make preliminary enquiries to assess whether the disclosure falls within the scope of the whistleblower laws and determine how best to progress the issues raised in the disclosure, including whether or not a full investigation will be necessary and possible.

Investigation

If an investigation is necessary and possible then, depending on the nature of the disclosable matter, a protected disclosure will be either investigated internally (eg, by the GM – HR or the CEO as appropriate) or referred to an external person for investigation.

The investigation will be undertaken in accordance with the confidentiality obligations that the AFLPA owes to the whistleblower. If compliance with the AFLPA's confidentiality obligations will prevent it from conducting a fair investigation, the AFLPA will discuss this with the whistleblower before progressing the matter.

All staff should treat any information about an investigation as confidential.

It is important to understand that the AFLPA may not be able to commence or progress with an investigation into a protected disclosure in some circumstances. For example, if the whistleblower made the disclosure anonymously and did not provide any contact details for the AFLPA to obtain further information from the whistleblower, or the AFLPA is unable to proceed with the investigation without disclosing the whistleblower's identity and the whistleblower does not provide their consent for this.

Reporting

AFLPA will document and report the findings of an investigation in accordance with its confidentiality obligations. The manner in which it documents and reports those findings will depend on the nature of the disclosure.

Timing

AFLPA will aim to keep the whistleblower regularly informed of the progress of the investigation and its expected timeframes. However, confidentiality concerns, if any, may prevent the AFLPA from providing specific details of the investigation or any disciplinary action taken as a result.

Legal protections for whistleblowers

If you have made a protected disclosure through Stopline, an AFLPA Whistleblower Protection Officer or another person authorised to receive protected disclosures, the following legal protections will apply to you.

Confidentiality regarding your identity

The whistleblower laws set strict confidentiality obligations regarding your identity information if you make a protected disclosure.

It is unlawful for the AFLPA to disclose the identity or information that may lead to the identification of a whistleblower unless:

- the whistleblower's consent has been obtained;
- the disclosure is made to a legal practitioner for the purposes of obtaining legal advice or representation in connection with the operation of the whistleblower laws; or
- the disclosure is made to ASIC, APRA or a member of the Australian Federal Police.

If you do disclose your identity when making a protected disclosure, the person who received your disclosure will treat your identity confidentially in accordance with the above confidentiality protections. This includes securely storing documents regarding your protected disclosure and limiting access to information relating to the protected disclosure to those directly involved in managing and investigating the disclosure.

In some circumstances, it may be necessary for the AFLPA to request your consent to disclose your identity in order to effectively progress with dealing with your protected disclosure. You are under no obligation to provide your consent but doing so will enable us to fully investigate a protected disclosure and take appropriate action.

If you do not consent to the disclosure of your identity, the matter may nevertheless be referred for investigation and the investigator will be required to take all reasonable steps to reduce the risk of you being identified as a result of the investigation.

Protections from legal action

Eligible whistleblowers who make a protected disclosure are protected from certain legal action being taken against them for making the disclosure, including:

- civil, criminal and administrative (including disciplinary) action; or

- contractual action, including termination of a contract on the basis that making a disclosure is a breach of that contract.

However, these protections do not grant a whistleblower immunity for any of the whistleblower's own misconduct that is revealed in their disclosure.

Protections from detriment in relation to a disclosure

AFLPA will endeavour to protect whistleblowers from any detriment arising from their disclosure or proposed disclosure. It is unlawful for a person to cause detriment or threaten to cause detriment to a whistleblower because of a disclosure or proposed disclosure, and any such conduct will be regarded as a serious matter by the AFLPA.

Detrimental actions include:

- dismissal of an employee;
- alteration of an employee's position or duties to their disadvantage;
- discrimination;
- harassment or intimidation;
- physical or psychological harm;
- damage to a person's property, reputation, business or financial position;
- repeated failure to select a person;
- a reduction in future contract value; or
- removal of coaching and other financial or non-financial support.

Actions that are not considered to be detrimental conduct include:

- administrative action that is reasonable for the purpose of protecting a discloser from detriment; or
- managing a discloser's unsatisfactory work performance, if the action is in line with the AFLPA's performance management framework.

A whistleblower (or any other employee or person) may seek compensation and other remedies through the courts if they suffer loss, damage or injury because of a disclosure and the AFLPA failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Whistleblowers are encouraged to seek independent legal advice in relation to any detriment suffered and the remedies available under the whistleblower laws.

Support for whistleblowers

By this policy, the AFLPA is committed to ensuring all personnel feel supported and able to raise issues which relate to any misconduct or improper state of affairs within the AFLPA or its related bodies corporate.

AFLPA offers free, confidential and professional counselling as part of its wellbeing service. You can access this by contacting 1800 488 903 or wellbeing@afplayers.com.au. If any additional support is required, you can discuss this with the GM – HR.

AFLPA will not tolerate any reprisals or threats of reprisals made against whistleblowers, and will take appropriate steps to protect whistleblowers from such retaliation. Where a protected disclosure is made, the AFLPA will reiterate the requirements of this policy and the whistleblower laws with any person

involved in the investigation of the disclosure. If a whistleblower is subjected to any detrimental treatment as a result of their disclosure, they should inform the GM – HR immediately.

Fair treatment

AFLPA will ensure that all investigations into protected disclosures are conducted in a procedurally fair and confidential manner, to ensure the fair treatment of any individuals who are implicated in the protected disclosure.

No action will be taken against any individual implicated in a protected disclosure until an investigation has determined whether any allegations against them are substantiated. However, if appropriate, an implicated employee or officer may be temporarily stood down on full pay pending the outcome of the investigation.

If any employees require support in relation to responding to an investigation or allegation, they may contact the AFLPA's wellbeing service (1800 488 903 or wellbeingservice@afplayers.com.au) or the GM – HR.

Other information

This policy will be made available as part of the AFLPA Employee Manual and on the AFLPA's public website.

If you have any questions about this policy or need more information, please contact the GM – HR who will treat your discussions confidentially.