



# 10 critical actions for company directors

to comply with new Australian whistleblowing legislation

**yourcall**

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to comply with the new Australian whistleblowing legislation:

## **#1. Understand you are personally liable**

Understand your personal liabilities as a director for breaches of the whistleblowing protections. Includes fines of up to \$1 million personally and jail sentences of up to 2 years. Ensure you also understand your organisational liabilities which include fines up to \$525 million

## **#2. Demonstrate active and tangible leadership**

Provide active leadership and support for disclosers in your organisation aligned to your corporate culture. Ensure management is providing regular board reports on the program

## **#3. Conduct a risk assessment**

Ensure a risk assessment is conducted for your organisation's whistleblower program and that appropriate resources are allocated to comply with the program's new requirements. Ensure risk assessments for detriment are conducted on a per matter basis, too.

## **#4. Ensure your policy is legally compliant by 1 January 2020 & provide training**

Have a legally compliant whistleblowing policy in place by 1 January 2020. If your organisation is listed on the ASX or is large private company you must also

*a) issue the policy and guidelines to everyone to whom the policy applies, and*

*b) provide training to all staff (Your Call provides staff and eligible recipient training services)*

## **#5. Establish key roles and accountabilities**

Establish key roles responsible for protecting or safeguarding disclosers and witnesses from victimisation or detrimental action. Determine key roles for investigating reports and introduce risk assessments for detriment per matter.

## **#6. Establish 'eligible recipient' internal reporting pathways who are appropriately trained**

Establish specific roles for designated staff members as 'eligible recipients' for receiving disclosures internally and directly from disclosers who are fully trained by subject matter experts in whistleblowing and corporate governance

## **#7. Establish additional reporting pathways for disclosers**

Provide alternative means for disclosers to make disclosures, including a secure and safe means which allows disclosers to remain anonymous. This should include an external and independent channel to report misconduct

## **#8. Implement continuous review process**

Have senior personnel responsible for periodically reviewing the policy and procedure for effectiveness and updating the whistleblower policy and procedures

## **#9. Understand that breaches of confidentiality will lead to significant penalties and reputational risk**

Ensure confidentiality of the information about the disclosure and the identity of the whistleblower are maintained throughout the process

## **#10. Ensure timely and effective management of whistleblowing reports**

Ensure that disclosures are managed, assessed, investigated, progressed and finalised within a reasonable timeframe in accordance with the policy and new laws. Provide effective and timely communication with the whistleblower.

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Directors have a central role in the organisation's handling of disclosures. These critical actions go a long way to building compliance and a speak up culture.