

## WHISTLEBLOWING (WRONGDOING) DISCLOSURE POLICY

Date of issue - 30 November 2022

#### 1. PURPOSE

# The Fletcher Building Group is committed to promoting a culture of compliance, honesty and ethical behaviour.

We want everyone who works for us, and those we do business with, to be comfortable approaching us with any concerns about conduct which appears illegal, unethical or improper. The standards of conduct and behaviour we expect are outlined in our **Code of Conduct** available <a href="here">here</a>.

This Whistleblowing (Wrongdoing) Disclosure Policy supports the Code of Conduct and is designed to provide a mechanism to encourage concerns to be raised, without the person raising the concern being subject to detrimental treatment.

This Policy explains how you can report your concerns about incidents of misconduct, the protections that will apply to you (and others), how your concerns will be investigated, and other sources of information that may be helpful to you in reporting your concerns.

#### 2. PRINCIPLES

- You are encouraged to speak up by reporting your concerns to your direct manager or supervisor in the first instance. However, other channels are available where you are not comfortable doing so or believe that doing so would be inappropriate or ineffective.
- We expect all our people to **report concerns about misconduct** or wrongdoing.
- Concerns raised will be **investigated** appropriately.
- We will **not tolerate** behaviour that discourages you from reporting or is seen as **retaliation**,
  or that causes or is intended to cause harm to you, because of the fact that you or someone
  else has made, or intend to make, or is suspected of having made a report.
- We expect you to act in good faith, honestly and ethically when reporting your concerns.
- Persons made aware of a disclosure under this Policy will be required to do things necessary
  to maintain the confidentiality or anonymity of a person who has made a disclosure under
  this Policy are protected.

## 3. SCOPE

#### Who can make a report under this Policy?

You can report a concern under this Policy if you are currently or were previously:

- an employee of FB Group;
- someone who provides, or has provided, goods or services to the FB Group, whether paid or unpaid (e.g., volunteering), and this includes subcontractors, contingent workers and suppliers together with their current and former employees;
- a director or officer of an FB Group entity; or
- relative or family member of any of the individuals mentioned above.

#### What is misconduct?

For the purpose of this Policy, misconduct includes an act, omission or course of conduct that:

- breaches FB Group's Code of Conduct;
- is unethical or unprofessional behaviour;
- raises issues of honesty or integrity, (such as internal fraud, theft, bribery and corruption);
- is a conflict of interest, including those relating to outside business interests, relationships, improper payments and donations;
- breaches any law, including competition law, modern slavery and/or human rights standards:
- breaches the privacy or confidentiality or anyone, including the FB Group, a customer or supplier;
- poses a risk to public safety or health or the safety of any individual, including bullying and harassment;
- causes an improper state of affairs or business behaviour in relation to the FB Group generally; or
- that represents a significant risk to public safety or the stability of or confidence in the financial system generally.

## What kinds of concerns are not covered by this Policy?

Whilst you are encouraged to speak up and report any concerns to us, not every type of concern is covered by this Policy. Examples of the matters that are not covered by this Policy (**excluded matters**) are:

- dissatisfaction with the leadership of FB Group or Business Units;
- customer complaints about our products or services;
- personal, work-related grievances (such as an interpersonal conflict between you and another employee, a decision relating to your employment, and a decision to suspend or terminate your employment or otherwise discipline you based on your conduct, behaviour, or performance). These are likely to be more properly covered under other legislation such as the *Employment Relations Act 2000* in New Zealand and the *Fair Work Act 2009 (Cth)* in Australia.

Generally speaking, these types of concerns are not matters that the whistleblower laws are intended to protect, unless they have broader implications for the FB Group or they relate to misconduct (see above *What is misconduct?*). We have other dedicated processes and further information available to you which are more appropriate to report these types of concerns including our Code of Conduct and the Disciplinary Policy which set out our standards of behaviour and actions you can take. You can also discuss your concerns with your direct manager or supervisor or your relevant People and Performance Manager.

## 4. MAKING A REPORT

#### Internal reporting

You are encouraged to speak up by reporting your concerns to your direct manager or supervisor in the first instance, who may be able to resolve them quickly and effectively.

However, the below channels are available where you are not comfortable doing so or believe that doing so would be inappropriate or ineffective or feel you need support and protection in reporting a misconduct under this Policy:

- Your relevant People and Performance Manager; or
- FB's Whistleblower Protection Officer (**WPO**). A WPO is the individual within FB Group who has specific responsibilities under this Policy including protecting those who make a report. The WPO may delegate responsibility to another member of the Senior Leadership Team where, having regard to all relevant circumstances, they consider it appropriate to do so. The General Manager of Group Assurance is currently the FB Group's WPO and can be contacted at <a href="mailto:whistleblowing@fbu.com">whistleblowing@fbu.com</a>.
- Where you believe the current WPO is involved in the misconduct, you can make your disclosure to the Chief Executive Officer (<a href="mailto:Ross.Taylor@fbu.com">Ross.Taylor@fbu.com</a>) or, if that is inappropriate, to the Chairman of the Audit and Risk Committee (<a href="mailto:Robert.McDonald@fbu.com">Robert.McDonald@fbu.com</a>).

#### **External reporting**

You can also make your disclosure via the **FBuCall** service either through an online form or by calling the hotline. FBuCall is a free phone and online service to provide anonymity and is monitored 24 hours a day by KPMG (external and independent party). There is further information on the FB Group website: <a href="https://fletcherbuilding.com/fbucall/">https://fletcherbuilding.com/fbucall/</a>. For those who have access to FB Group's Intranet Matrix there is also more information about FBuCall <a href="here">here</a>.

You can access the online form <a href="here">here</a> or copy the following link and paste it into a browser: <a href="https://fbucall.kpmgfaircall.kpmg.com.au/setup">https://fbucall.kpmgfaircall.kpmg.com.au/setup</a>. Hotline number details on a country by country basis are set out below.

| Country   | FBuCall number   |
|---|------------------|
| New Zealand   | 0800 576 400     |
| Australia   | 1800 870 585     |
| Fiji  | 00800 2190       |
| PNG   | 1802025          |
| American Samoa, Samoa, Solomon Islands, Tonga and Vanuatu | 0061 2 9445 9993 |

#### Other recipients of disclosures or reports under this Policy

There are a limited group of people within FB Group, who are also eligible to receive disclosures under this Policy and who are required to handle your information in accordance with this Policy. These people are members of the Executive Committee, directors, senior managers and company secretaries of entities in FB Group and internal or external auditors of FB Group, including the Group Assurance team (other than administrative assistants).

In the first instance, these individuals will refer the disclosure to the WPO for management under this Policy unless there are exceptional circumstances which make an alternate approach more appropriate. Any such referral will protect the confidentiality of the discloser if requested by the discloser.

#### 5. YOUR PROTECTIONS AND SUPPORT

## We will support and protect you from retaliatory conduct

FB Group will not tolerate any detriment being imposed on you because you or someone else has made a report, or due to someone suspecting that you or someone else might make a report, regardless of whether you have or are intending to do so. Threats of detriment will also not be tolerated. We will take all reasonable steps to protect you from detrimental conduct (actual or

threatened) and will take appropriate action where such conduct is identified.

Detrimental treatment includes dismissal, demotion, discrimination, harassment, disciplinary action, bias, threats, intimidation, causing harm, injury or damage to any person or their property, reputation, business or financial position or other unfavourable treatment connected with making a report.

These protections apply to you regardless of whether any concerns raised in a report are substantiated, provided that you act honestly and ethically and make the report on reasonable grounds (i.e., you have personal knowledge of the concern). These protections also apply to individuals conducting, assisting or participating in an investigation.

If you experience any detrimental conduct or threats of detrimental conduct, you should contact the WPO or FBuCall service immediately.

Reports of detrimental conduct or threats will be treated confidentially. Anyone engaging in detrimental conduct or threatening detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of employment, engagements, or contracts, as applicable.

#### **Confidentiality and anonymity**

We know that speaking up can feel difficult and we take our obligation to protect you very seriously.

There are two parts to this:

a) **Confidentiality**. We will protect the confidentiality of your identity, including by storing information about a report securely, redacting your identity from relevant documents and only sharing your identity with those who have a legitimate need to know, subject to your consent. When you make a report under this Policy, the person to whom you make a report will not share your identity unless you agree for them to do so.

Your consent will be required in relation to how you would prefer information about your identity, including any information that is likely to identify you, to be handled. More information will be provided when you make a report, but in general terms, you can select one of three options below for protecting your Identity.

| Identity options | What it means?   |  |
|------------------|--|--|
| Not Confidential | You consent to us disclosing your identity for the purposes of   |  |
|                  | investigating, and for reporting to relevant stakeholders.       |  |
| Confidential     | You have consented to only the person to who you made your       |  |
|                  | report knowing your identity.                                    |  |
| Anonymous        | You haven't identified yourself at all. You can choose to remain |  |
|                  | anonymous at the time of making a report, over the course of the |  |
|                  | investigation and after the investigation is finalised.          |  |

We can still disclose the information contained in a report with or without your consent if:

- a) the information does not include your identity;
- b) all reasonable steps have been taken to reduce the risk that you will be identified from

the information; and

c) it is reasonably necessary for investigating the issues raised in the disclosure.

Knowing your identity may assist us to investigate the matters you have raised, improve the effectiveness of the investigation, and enable us to communicate, support and protect you better.

For legal and regulatory reasons, where your identity is known to us, we may need to disclose your identity to lawyers, regulators and or law enforcement authorities, regardless of the level of consent you have provided. In some cases, we may also need to disclose information likely to identify you where it is reasonably necessary for the purposes of an investigation and where reasonable steps have been taken to protect your identity. We will let you know if we need to disclose your identity to any third party in advance and you can decide whether you wish to proceed, including whether you wish to withdraw your report.

b) **Anonymity**. It is absolutely your right to make a disclosure where your identity is to remain anonymous. However, depending on the circumstances, it can be difficult to investigate the matter fully or even at all.

If you wish to remain anonymous, we will encourage you to contact us regularly so that we can ask any follow-up questions, provide feedback and update you on the investigation. Without your information we will not be able to contact you.

#### **Statutory protections**

The appendices to this Policy outline country specific protections that are available in the countries we operate in. However, this Policy does not provide legal advice as to the application of the law and protections under the law for your specific circumstances. If you require further information regarding the application of the law, we encourage you to seek independent legal advice.

#### **Wellbeing support**

For FB Group employees, who have made a report, or are thinking about making a report, and wish to seek additional support, the Employee Assistance Program provides free, confidential, short term wellbeing support services by qualified professionals face to face, over the phone or over the internet. The program consists of a number of services which can be found here.

#### 6. INVESTIGATING A REPORT

#### Investigation and reporting back to you

As soon as we receive your report of misconduct, the following key steps will be performed:

- assess your report to determine if it will be managed under this Policy (see the Scope set out in section 3 of this Policy for more information);
- decide whether and how to investigate, noting that your report must contain sufficient information to enable us to form a reasonable basis for investigation;
- consider any conflicts of interest prior to investigating; and
- depending on the nature of concerns raised, escalate the matter (e.g. to Executive Management or the Audit and Risk Committee, if appropriate).

Depending on that assessment, the investigations can be led internally e.g. by a member of FB Group Assurance and/or People and Performance teams or by an independent external investigator with the appropriate skills and subject matter expertise. All investigators are briefed on your report, the discussions we will have had with you about confidentiality and anonymity, as well as the investigator's confidentiality obligations.

Investigations are to be conducted in a timely, fair, and impartial manner, and investigators are required to act independently and competently and to treat all those involved in a report fairly so that each case is evaluated on its merits.

The investigator may need to contact you for further information for the purpose of the investigation and, where necessary and subject to confidentiality obligations, may also need to speak to other individuals who may have relevant information regarding the matters reported. If you have elected to remain anonymous or you have not provided your consent to be contacted, or if you decline or can't provide further information, this may limit our ability to investigate the matter fully and, in some circumstances, could mean that an investigation is not possible. We will endeavour to let you know if this is the case.

For investigated reports, the WPO or the investigator will provide you with updates on progress and any investigation outcomes, where appropriate and subject to any confidentiality constraints. These updates may be written or verbal, depending on the circumstances. There may be circumstances where it is not appropriate to provide details of the outcome of the investigation to you.

If you have made a report anonymously, it is important that you check back in on the status of your report.

Any investigation and its outcome will be reported internally as appropriate, including to the Chief Executive Officer and the Audit and Risk Committee, and the confidentiality requirements will be maintained.

#### Fair treatment for all

This Policy is premised on the fair treatment of individuals, including those mentioned or involved in your disclosure. This involves handling reports under this Policy and the investigations that may follow confidentially and sensitively. Where appropriate, individuals who have been accused of misconduct will have an opportunity to respond to allegations

before any adverse findings of fact in any investigation are made and, for such individuals who are employees of FB Group, before any disciplinary action (if appropriate) is taken.

## What to do if you are not happy with the investigation?

If you have a reasonable basis for being dissatisfied with how your disclosure has been investigated and acted upon, then you may escalate the matter to the Chief Executive Officer (Ross.Taylor@fbu.com) or Chair of the Audit and Risk Committee (Robert.McDonald@fbu.com) to request a review.

#### **COUNTRY SPECIFIC STATUTORY PROTECTIONS: NEW ZEALAND**

Please note the following additional material if you are reporting from New Zealand or your concern or report relates to conduct or anyone connected to FB Group's business in New Zealand.

In those circumstances, as summarised in this section, you may be eligible for statutory protections under New Zealand law, including the Protected Disclosures (Protection of Whistleblowers) Act 2022 (**Protected Disclosures Act**).

This "country specific" section sets out a summary of the legal protections that may be available under New Zealand law. We will apply the standards set out in the Policy. Some aspects of the Policy may be broader than the NZ legal protections. We are unable to advise you on how the law will apply to your specific circumstances, so if you require further information on the application of the law, please seek independent legal advice.

## Re. Part 2 - Principles

In addition to raising your concerns via the channels described in this Policy, you are entitled to report your concerns to an appropriate authority at any time, including:

#### **Financial Markets Authority**

Phone: 0800 434 567 or +64 4 472 9830

Email: questions@fma.govt.nz

## **Commerce Commission**

Phone: 0800 943 600

Website: <a href="https://report.whistleb.com/en/comcom">https://report.whistleb.com/en/comcom</a>

Where you report a concern to an appropriate authority, that authority will only be required to handle that concern in accordance with the Protected Disclosures Act where the relevant statutory requirements are satisfied.

An appropriate authority may also refer your disclosure to another appropriate authority or to FB Group, following consultation with you.

#### Re. Part 3 - Scope

Our Policy contains examples of what might constitute reportable misconduct but is not intended to be exhaustive, so there may be other examples. The New Zealand Protected Disclosures Act offers protection in relation to reports of "serious wrongdoing" which includes any acts, omissions, or courses of conduct in or by FB Group that are or could be one or more of the following:

- 1. an offence;
- 2. a serious risk to public health, public safety, the health or safety of any individual, or the environment:
- 3. a serious risk to the maintenance of New Zealand law, including the prevention,

- investigation, and detection of offences and the right to a fair trial;
- 4. unlawful, corrupt, or irregular use of public funds or resources; or
- 5. oppressive, unlawfully discriminatory, grossly negligent or that constitutes gross mismanagement, and is done by a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of a public sector organisation or the Government.

The specific legal protections that apply to reports of "serious wrongdoing" only apply to persons who fall within the definition of "discloser", and who make a "protected disclosure" in accordance with the Protected Disclosures Act.

## **EXCLUDED MATTERS**

#### Work-related grievances

As described in the Policy, personal work-related grievances are excluded from statutory protection unless the facts also amount to "serious wrongdoing" under the Protected Disclosures Act, and the disclosure is made in accordance with the required process.

If you are considering making a report you may wish to seek independent legal advice, in relation to the options available for raising concerns of this nature.

For further information relating to raising personal work-related grievances through other reporting channels at FB Group, please contact FB Group's People and Performance team.

#### Legal professional privilege

Nothing in the Policy or the Act authorises a person to disclose information that is protected by legal professional privilege. A disclosure of such information is not a "protected disclosure".

## Re. Part 5 - Your Protections and Support

#### We will support and protect you from retaliatory conduct

In addition to the examples of detrimental conduct set out in the Policy, victimisation is prohibited.

Victimisation means any situation where you receive actual or threatened unfavourable treatment because of making, or intending to make, encouraging, or giving, information in support of a report under the Policy.

Should you be treated less favourably, or experience retaliation or victimisation, upon making a report of "serious wrongdoing" under this Policy, you may be entitled to various protections under New Zealand law (including but not limited to the Protected Disclosures Act, Employment Relations Act 2000, Human Rights Act 1993, and/or Privacy Act 2020).

#### **Confidentiality and anonymity**

The Policy lists some of the circumstances in which we may need to disclose your identity (even where you have sought anonymity).

In addition to those, where a report of "serious wrongdoing" is made in accordance with the Protected Disclosures Act, we may disclose your identity if we have reasonable grounds to believe that disclosing the identifying information is essential:

- for the effective investigation of a disclosure;
- to prevent a serious risk to public health, public safety, the health, or safety of any individual or the environment; or
- to comply with the principles of natural justice.

Any disclosure of your identity will be managed in accordance with our obligations under New Zealand law.

In addition to the protections outlined in the Policy, if you are an FB employee or another "discloser" for the purposes of the Protected Disclosures Act, and you provide supporting information in relation to your disclosure in accordance with our Policy and New Zealand law so that it can be investigated, both the information and your identity will be protected under this Policy.

If you are dissatisfied with the way we have investigated or acted upon the report, you are entitled to raise this with an appropriate authority, including one of the authorities noted above.

#### **COUNTRY SPECIFIC STATUTORY PROTECTIONS: AUSTRALIA**

Please note the following additional material if you are reporting from Australia or your concern or report relates to misconduct connected to FB Group's businesses in Australia.

If you make a disclosure in accordance with this Policy, in addition to rights you have under the Policy generally, this "country specific" section sets out a summary of additional specific legal protections that may be available in Australia under the Corporations Act 2001 (Cth) and Taxation Administration Act 1953 (Cth) (Australian Whistleblowing Laws).

We will apply the standards set out in the Policy. Some aspects of the Policy may be broader than the protections under the Australian Whistleblowing Laws. We are unable to advise you on how the law will apply to your specific circumstances, so if you require further information on the application of the law, please seek independent legal advice.

## Re. Part 4 - Making a Report

#### Additional reporting channels

In addition to the rights set out in this Policy, if you are making a report about misconduct in Australia, under the Australian Whistleblowing Laws you are also entitled to make your report to:

- a) the **Australian Securities and Investments Commission** by writing to them at Australian Securities and Investments Commission, GPO Box 9827, Brisbane QLD 4001 or by completing their online Miconduct Report available at <a href="https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/">https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/</a>; or
- b) the Australian Prudential Regulation Authority by email whistleblower@apra.gov.au; or
- c) the **Commissioner of Taxation** by writing to them at Australian Taxation Office, Tax Integrity Centre, Locked Bag 6050, Dandenong VIC 3175 or by completing their online Tip Off Form available at <a href="https://www.ato.gov.au/tipoffform/#LandingPage">https://www.ato.gov.au/tipoffform/#LandingPage</a>.

## Independent legal advice

You will also be protected if you make a disclosure to a lawyer for the purposes of receiving legal advice or representation in relation to the Statutory Protections (even if the legal practitioner concludes that the Statutory Protections are not available, for example if your concern is a personal work-related grievance). If you intend to seek legal advice, please approach an independent lawyer and not a lawyer employed by FB Group.

#### **Public interest and emergency disclosures**

Statutory Protections may also be available if you make a public interest or emergency disclosure to a journalist or member of Parliament. It is important to understand the criteria for making a public interest or emergency disclosure, which is set out below:

| Public Interest Disclosure   | Emergency Disclosure |  |  |
|--|----------------------|--|--|
| A previous report has been made to ASIC, APRA or a prescribed Commonwealth body. |                      |  |  |
| 90 days has passed since making the report                                       | No wait period.      |  |  |
| and you do not have reasonable grounds to  |                      |  |  |
| believe that any action is being or has been                                     |                      |  |  |

| taken in relation to your disclosure.   |                                  |  |  |  |
|---|----------------------------------|--|--|--|
| You have reasonable grounds to believe that   |                                  |  |  |  |
| making a further disclosure of the information would be in the public interest. the information concerns a substantial an imminent danger to the health or safety of one or more persons or to the natural environment. |                                  |  |  |  |
| You give the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that you intend to make a disclosure.            |                                  |  |  |  |
| You then make a disclosure to a journalist or a member of Parliament (Commonwealth, State or Territory).  |                                  |  |  |  |
| The extent of the information disclosed is no greater than is necessary to inform the recipient of the  |                                  |  |  |  |
| misconduct or improper state of affairs or circumstances.   | substantial and imminent danger. |  |  |  |

We recommend you obtain independent legal advice before making a public interest or emergency disclosure.

## Re. Part 5 - Your Protections and Support

In addition to the protections afforded to you under this Policy generally, where a disclosure is protected under Australian law, there are additional Statutory Protections as follows:

- a) anyone who engages in or threatens detrimental conduct may be guilty of an offence and liable for damages;
- b) a person who receives the report commits an offence if they disclose your identity or information likely to lead to your identification unless one of the following exceptions applies:
  - i. you consent to the disclosure of your identity;
  - ii. the disclosure of details likely to lead to your identification is reasonably necessary for the effective investigation of the matter and all reasonable steps are taken to reduce the risk of your identification;
  - iii. the concern is reported to ASIC, APRA, the AFP or a person or body prescribed by regulation or, for tax affairs, is reported to the Commissioner of Taxation;
  - iv. the concern is raised with a lawyer for the purpose of obtaining legal advice or representation;
- you are protected from certain civil liability in relation to making the report (e.g., any legal action against you for breach of an employment contract, duty of confidentiality or another contractual obligation);
- d) you are protected from certain criminal liability in relation to making the report (e.g., attempted prosecution of you for unlawfully releasing information, or other use of the disclosure against you in a prosecution (other than for making a false disclosure));
- e) you are protected from certain administrative liability in relation to making the report (e.g., disciplinary action for making the disclosure); and
- f) no contractual or other remedy may be enforced or exercised against you because you have made a report.

Civil and criminal sanctions apply for breaches of the Statutory Protections.

The Statutory Protections do not grant immunity for any misconduct that you have engaged if that is revealed in your disclosure or as a consequence of it. You may be subject to disciplinary action if, in the course of investigating a report, we determine that you were complicit in the misconduct or improper state of affairs or have otherwise acted in an improper way.

#### Other remedies and protections

Courts are given broad scope to make orders remedying a detriment or threatened detriment. These include injunctions, compensation orders (including against individual employees and their employer), reinstatement, exemplary damages and the making of apologies.

We encourage you to obtain independent legal advice regarding seeking compensation or other remedies.

Reports may also amount to the exercise of a workplace right. We are prohibited under the *Fair Work Act 2009 (Cth)* from taking adverse action against employees or contractors because they exercised or propose to exercise any workplace rights.

#### **False allegations**

You will only be protected making a report under this Policy if you have reasonable grounds to suspect that the report concerns misconduct or an improper state of affairs or circumstances or other conduct falling within the scope of this Policy.

The protections under this Policy will not extend to vexatious or deliberately false complaints. If any investigation of a report demonstrates that it was not made on reasonable grounds, it will not be protected.

Depending on the circumstances this may amount to serious misconduct and it may be appropriate for us to take disciplinary action up to and including dismissal.

## **COUNTRY SPECIFIC STATUTORY PROTECTIONS:**

## **SOUTH PACIFIC**

Please note the following additional material if you are reporting from one of the South Pacific countries or your concern or report relates to conduct or anyone connected to FB Group's business in one of them.

We will apply the standards set out in the Policy. Some aspects of the Policy may be broader than the South Pacific Island legal protections. We are unable to advise you on how the law will apply to your specific circumstances, so if you require further information on the application of the law, please seek independent legal advice.

## FIJI

In addition to reporting under out Policy, you are entitled to escalate your report or raise your concern directly to:

## Fiji Financial Intelligence Unit

Phone: (679) 322 3333 Email: info@fijifiu.gov.fj

Website: https://www.fijifiu.gov.fi/Contact-Us.aspx

## Fiji Independent Commission Against Corruption

Phone: (679) 331 0290 Email: info@ficac.org.fj Website: https://ficac.org.fj

#### **PAPUA NEW GUINEA**

While we encourage anyone to speak up if they have concerns relating to FB Group's business in PNG, it is important to note that only employees of FB Group's business in PNG are eligible to make reports which qualify for protection under PNG's Whistleblower Act 2020 (the PNG Act).

The PNG Act applies to disclosures of 'impropriety' in the workplace by employees. In addition to the examples listed in the Policy, the following would amount to impropriety under the PNG Act:

- a) a miscarriage of justice;
- b) endangering the health or safety of an individual;
- c) environmental damage;
- d) unfair discrimination; and
- e) deliberately concealing any of the above conduct.

Further, for a disclosure to qualify as a 'protected disclosure' under the PNG Act, it must be made:

a) in good faith (it is an offence to make an intentionally false or misleading disclosure. A disclosure will also not be protected if you commit an offence by making it); and

#### b) to either:

- i. a lawyer who holds a current practicing certificate issued under the PNG Lawyers' Act 1986; or
- ii. any of the persons or channels set out in Part 4 of the Policy.

In addition to the protections set out in this Policy, under the PNG Act an employer must not subject an employee to 'occupational detriment' as a result, or partly as a result, of the employee making a protected disclosure. Occupational detriment means being:

- a) subjected to any disciplinary action;
- b) dismissed, suspended, demoted, harassed, or intimidated;
- c) transferred to a different position against your will;
- d) refused transfer or promotion;
- e) subjected to a term or condition of employment or retirement which is altered to your disadvantage;
- f) refused a reference or being provided with an adverse reference;
- g) denied appointment to any employment or office;
- h) threatened with any of the above; or
- i) adversely affected in respect of your employment, profession, or office in any other way.

## WHERE TO SEEK FURTHER HELP

## **QUESTIONS ON THIS POLICY?**

Should you require further information about the reporting process or this Policy, you can contact your direct manager, your People and Performance Manager or the General Manager of Group Assurance by email (whistleblowing@fbu.com).

#### **PRINTING THIS POLICY?**

All our official policies are updated electronically and available on Matrix so before distributing please check out the latest version here.

#### **RELATED POLICIES**

- Anti-bribery and Corruption Policy;
- Code of Conduct;
- Conflict of Interest Policy and Procedures;
- Disciplinary Policy;
- Fraud Policy and Procedures;
- Human Rights Policy; and
- Trade Practices Policy.

| Updates to this Policy document |                                |             |  |
|---------------------------------|--------------------------------|-------------|--|
| Version                         | Action                         | Date        |  |
| 1                               |                                | 30 Apr 2019 |  |
| 2                               | Update for AU legislation      | 31 Dec 2019 |  |
| 3                               | Update for NZ & AU legislation | 30 Nov 2022 |  |
|                                 |                                |             |  |
|                                 |                                |             |  |

Next policy review: November 2024