

## Whistle-blowers Policy

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### Preamble

The Corporations Act 2001 (Corporations Act) provides a consolidated whistle-blower protection regime for Australia's corporate sector. The Australian Association of Massage Therapists, trading as Massage & Myotherapy Australia is required as a public company limited by guarantee to have a whistle-blower policy and make the policy available to their officers and employees.

### Aim and Scope

The Massage & Myotherapy Australia Board of Directors serves to protect the company, its employees and officers. To support Massage & Myotherapy Australia's sustainability and reputation, protect employees and officers and to meet legal and regulatory obligations, this policy statement is resolutely linked to the overall values and Code of Ethics of the company. All policy of the Association is regularly reviewed and updated as part of the ongoing governance operating framework.

The Board of Directors has a commitment to detecting and preventing illegal and undesirable conduct and supports a mechanism where employees and others can report their concerns without fear of intimidation, threat or reprisal.

The purpose of this policy is to:

- (a) ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- (b) ensure disclosures are dealt with appropriately and in a timely manner;
- (c) provide an open and transparent culture around the Associations complaints framework for receiving, handling and investigating any disclosure;
- (d) encourage more disclosures of wrongdoing; and
- (e) help deter wrongdoing.

### Process

#### Who is eligible to report?

The Corporations Act outlines who is an eligible whistle-blower but generally include;

- (a) an officer or employee; current and former employees, including employees who are permanent, part time, fixed term or temporary, interns, secondees, managers, and directors; and
- (b) current and former contractors, consultants, volunteers, members, service providers, suppliers and business partners.
- (c) a supplier of services or goods to the entity (whether paid or unpaid), including their employees and volunteers;
- (d) an associate of the entity; and
- (e) a relative, dependant or spouse of an individual

## What protections are available to whistle-blowers?

The Australian Securities and Investments Commission (ASIC) outlines the protections available to whistle-blowers in the Information Form 238. [www.asic.gov.au](http://www.asic.gov.au) Information Sheet 238 *Whistleblower rights and protections* ([INFO 238](#))

## What types of wrongdoing can be reported? how can they be made? and to whom?

The Association encourages the reporting of any real or suspected activity that breaches criminal law, Association policy or conduct that is unethical or undesirable. Vexatious, personal and work related grievances such as performance management are not eligible for reporting.

Matters that may be reported include but are not limited to;

- A breach of Massage & Myotherapy Australia policy or code of ethics
- Harassment, coercion or discrimination
- Theft, fraud, dishonest or unlawful practices
- Misleading accounting or financial reporting practices
- Misrepresentation in the review of contracts, proposals or tenders
- Workplace health and safety issues that have been reported on, but not acted, on by management
- Any other conduct detrimental to the Association or any individual making a report under this policy.

Employees should make their initial report to their direct manager to clarify the matter and the internal complaints procedure. Where this is not appropriate for any reason, employees can discuss the matter with another senior manager or the President of the Association.

Additional information on policy, procedure and accepted standards of Massage & Myotherapy Australia can be found in the employee and human resource handbook.

All other reporting individuals, including Board members, should make their report to the Chief Executive Officer or the President of the Association.

Nothing in this policy prevents any individual from reporting immediate concerns to the relevant jurisdiction and ASIC provides further information as to whom you may also notify around misconduct outside of the Association. Information Sheet 239 *How ASIC handles whistleblower reports* ([INFO 239](#))

## How will disclosures be investigated and reported?

All reports of misconduct will be made in confidence and treated seriously. The person making the disclosure has the right to request not to be identified in the investigation. Any reports made must be genuine, factual, from firsthand knowledge and any bias or conflict declared. The whistle-blower may seek legal advice at their cost prior to making a report.

All events will be investigated by the Chief Executive Officer with the objective of locating evidence that refutes or substantiates the allegations made. At the end of the investigation the Chief Executive Officer will make a written report available to the President to collectively determine the appropriate response. The response will include any required remedial action, address unacceptable conduct and any actions to be taken as required to prevent any future occurrences of the same misconduct.

# Policy Statement

If the misconduct involves the Chief Executive Officer, the event will be investigated by the President and a collaborative decision made by the Executive as to the outcomes, if any.

If disciplinary action is required, the response will be in line with internal complaints handling for employees. For Directors the Board will take all and any actions required under the Corporations Act.

If allegations made cannot be substantiated, that individual will continue in their role without discrimination or any effect.

All documents are to be maintained as per the Document Retention and Destruction Policy.

## How will the Whistle-blower be advised of the outcome?

The whistle-blower will be advised in writing of the outcome of the investigation observing all necessary confidentiality and privacy requirements.

## How the Association will support whistle-blowers, protect them and be fair.

The identity of the whistle-blower will be kept confidential should they request it unless a disclosure is required by law, necessary to lessen a serious threat to a person's health or safety, or where there is major threat to Massage & Myotherapy Australia and its interests.

It is expected that reports of misconduct are made in good faith. The Association will not penalise any individual for making a report provided they have not been involved in the misconduct. Depending on the involvement, individuals should be able to continue with their role if appropriate. Discrimination, harassment and bullying will not be tolerated.

Where it is found that reports are not made in good faith, made as a false report or are malicious or vexatious against another individual, these individuals will be subject to disciplinary action.

## How will the policy be made available to officers and employees of the Association?

This policy will be disseminated to all relevant stakeholders on approval and included in the Staff Induction Manual which is signed by the staff annually and on induction.

## Other Documents and further information

Corporations Act 2001 (Corporations Act)  
Massage & Myotherapy Australia Code of Ethics  
Massage & Myotherapy Australia Staff Policy and Procedures Manual  
Massage & Myotherapy Australia Standards of Practice  
<https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/>