

A large blue banner with a white graphic on the left consisting of several curved lines that converge to a point, resembling a stylized 'W' or a signal. To the right of this graphic, the text 'Whistleblower policy' is written in a large, white, sans-serif font.

Whistleblower policy

Approved by: Airways Board of Directors

Informed parties: All Airways people

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1 Why we have this policy

In line with Airways' values and our Just Culture, we are committed to maintaining the highest standards of trust, confidentiality and integrity in our work and relationships with others.

This policy exists to ensure Airways' compliance with the Protected Disclosures (Protections of Whistleblowers) Act 2022 (the '**Act**') by providing Airways employees, former employees, directors, secondees, volunteers and contractors an opportunity to disclose, with protection from liability, situations where serious wrongdoing is occurring.

This policy is supported by the Whistleblower Procedure ('**WB Procedure**') and should be read alongside the Code of Conduct, Delegated Financial Authority Policy and Conflict of Interest Declarations and Disclosure of Relationships Policy.

Contact the People & Capability Team and/or the Legal Team for further information or copies of internal procedures.

2 Who this policy applies to

This policy and the WB Procedure applies to all current and former Airways employees, contractors, directors, secondees and volunteers.

3 Policy content

3.1 What does 'Serious Wrongdoing' mean?

In line with Section 10 of the Act, serious wrongdoing is defined as including:

- ▶ an unlawful, corrupt, or irregular use of Airways funds or resources; or
- ▶ conduct that poses a serious risk to public health or public safety, the health or safety of any individual, or the environment; or
- ▶ conduct that poses a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to a fair trial; or
- ▶ an offence; or
- ▶ conduct by an Airways' person or a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of Airways that is oppressive, unlawfully discriminatory, or grossly negligent, or that constitutes gross mismanagement.

The definition applies whether the wrongdoing occurs before or after the commencement of the Act.

Examples of serious wrongdoing might be:

- ▶ using unethical accounting methods to deliberately hide the true cost of a major organisation wide project;
- ▶ sexual harassment by a contractor or employee of Airways;
- ▶ a group of employees involved in leaking sensitive information to outside interests, putting the integrity of Airways' business at risk.

This policy is not intended to replace standard internal procedures or general workplace grievances or disputes (such as a disagreement with a colleague or a dispute over your contract). If you have concerns about activity at a lower level, you should approach your manager in the first instance or seek advice and assistance from the People Team or your union representative.

For example, the use of Airways property, (e.g., a cell phone or photocopier) for private use would not be "serious wrongdoing" under the Act. Useful guidance in dealing with that level of wrongdoing can be found in the Code of Conduct and the Corporate Quality Policy.

3.2 What is a 'Protected Disclosure'?

A protected disclosure is the process that is used to pass on information about serious wrongdoing following the procedures outlined in the WB Procedure.

Protected disclosures protect you from any retaliatory or disciplinary action by Airways. You are also protected from any civil or criminal proceedings. However, the protections afforded by this policy only apply to those disclosures:

- ▶ that substantially comply with this policy and the WB Procedure; or
- ▶ where the Airways person making a disclosure believes on reasonable grounds that the information they are disclosing is true or likely to be true.

You are not protected if you:

- ▶ make disclosures you know to be false or that you make in bad faith; or
- ▶ do not have reasonable grounds for believing your disclosure to be true; or
- ▶ disclose information protected by legal professional privilege (applies to communications between Airways and its lawyers); or
- ▶ do not substantially comply with these guidelines (e.g., go straight to the media).

If you make a disclosure you know to be untrue or if you do not substantially comply with this policy when making a protected disclosure, you may face disciplinary action by Airways and/or court proceedings.

Requests for information under the Official Information Act 1982 must be refused to protect the identity of an employee making a protected disclosure.

3.3 Who can make a Protected Disclosure?

In Airways, the people who can make a protected disclosure are a **'discloser'** under the Act and this includes current and former employees; or current directors; or current contractors, volunteers and secondees.

This includes any temporary and casual employees and contractors who are engaged or contracted by Airways under a contract for services.

3.4 Making a Protected Disclosure

For advice on making protected disclosures, who and when to make protected disclosures to, and what information to include in your protected disclosure, refer to the WB Procedure.

3.5 What if I am treated unfairly after making a disclosure?

The Act provides protection from victimisation for people who make what they believe to be genuine disclosures. Airways is committed to honouring the spirit and intent of the Act.

Strong and decisive action will be taken where someone can clearly show that they are being victimised, intimidated or treated unfairly because they have disclosed information about serious wrongdoing. Similarly, action will be taken where an employee feels that they are being prevented from making a disclosure of serious wrongdoing.

If you have any concerns about how you are being treated in relation to making a protected disclosure, contact the Head of Legal immediately. Alternatively, contact a union representative or other independent representative. If you feel you have been unfairly treated and that you have not been given a fair hearing under the Airways procedures, then you can raise a personal grievance under the Employment Relations Act 2000 or you may be able to raise a complaint under the Human Rights Act 1993.

3.6 Protection for Airways people who volunteer supporting information

The disclosure of an employee who volunteers supporting information in respect of another person's protected disclosure will also be protected if that person does not disclose in bad faith and discloses to Airways, or to an appropriate authority in accordance with this policy and the WB Procedure.

4 Supporting processes or documentation

The following policies can be found on the Policy Hub:

- ▶ Code of Conduct
- ▶ Conflict of Interest Declarations and Disclosure of Relationships Policy
- ▶ Corporate Quality Policy
- ▶ Delegated Financial Authority Policy
- ▶ Fraud and Corruption Prevention Policy

Other relevant documents:

- ▶ Whistleblower Procedure

5 Definitions

Outline the definitions of terms and acronyms referred to in this policy.

Term or Acronym	Definition
Protected Disclosure	<p>Protected means if you make a disclosure in accordance with the Act, you are protected from any retaliatory or disciplinary action by Airways. You are also protected from any civil or criminal proceedings.</p> <p>Disclosure means passing on information about a serious wrongdoing in accordance with this policy and guidelines.</p>
Serious Wrongdoing	<ol style="list-style-type: none"> 1. an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or 2. an act, omission, or course of conduct that constitutes a serious risk to public health or public safety, the health or safety of any individual or the environment; or 3. an act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the

	<p>prevention, investigation, and detection of offences and the right to a fair trial; or</p> <ol style="list-style-type: none"> 4. an act, omission, or course of conduct that constitutes an offence; or 5. an act, omission, or course of conduct by an Airways person or a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of Airways that is oppressive, unlawfully discriminatory, or grossly negligent, or that constitutes gross mismanagement.
<p>Reasonable grounds</p>	<p>Are specific to each disclosure and may be difficult to define.</p> <p>If you are unsure what it means in relation to your disclosure, contact the Head of Legal.</p> <p>If you believe the Head of Legal is involved in the subject of your proposed disclosure (or closely associated with the person who is), you should discuss the issue with another party listed in the WB Procedure (linked above), as someone who can give advice about making protected disclosures.</p>

6 Record and quality management

Under the Information Management Policy, NZ Archives General Disposal Authority and Airways Retention & Disposal Authority, the following specific records must be retained:

NZ Archives General Disposal Authority 6 requires the following to be kept:

- ▶ Serious Fraud and Theft Investigation files – 10 years from last information entry date
- ▶ Fraud and Theft of Small Financial Value – 7 years from last information entry date

Refer to Te Kete for more information on records and information management.