

Eastern Health

BLOWING THE WHISTLE ON SERIOUS WRONGDOING

The Victorian Government has introduced the **Whistleblowers Protection Act** to protect people who disclose information about serious wrongdoing within the Victorian public sector of which Eastern Health is a part. The Act also provides a framework for the investigation of the matters disclosed.

A whistleblower is someone who reports or discloses **improper** conduct by public bodies or public officers. **Improper conduct** is defined by the Act to include:

- Corrupt conduct;
- Substantial mismanagement of public resources;
- Conduct involving substantial risk to public health or safety; or
- Conduct involving substantial risk to the environment.

The Act covers conduct that would, if proved, **be a criminal offence or constitute reasonable grounds for dismissal**.

Under the Act, it is an offence for a person to take **detrimental action** against another person in reprisal for making a **protected disclosure** (i.e. a disclosure that is covered by the Act) and such action may also be reported. Detrimental action includes:

- Action causing injury, loss or damage;
- Intimidation or harassment; or
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of any disciplinary action.

Disclosures under the Act may be made verbally or in writing and may be made anonymously. Disclosure should be made to the **Eastern Health Protected Disclosure Coordinator**, the **Protected Disclosure Officer** or direct to the Ombudsman.

The Act requires disclosures to be kept **confidential** and **strict penalties apply** to any breach of confidentiality. Where a protected disclosure has been made, the Act provides the whistleblower with **immunity** from any civil or criminal liability or any disciplinary action for **making that disclosure**. This immunity does not extend to action taken against them should they have been involved in the misconduct disclosed, or other wrongdoing.

Before making a disclosure, **consider** the following:

- Is the proposed disclosure in the public interest and not for personal gain or revenge?
- Are there **reasonable grounds** for believing that the alleged conduct has actually occurred?
- Are your expectations of the process (disclosure and investigation) **realistic** and achievable?

If you decide to proceed consider whether you have enough **evidence** to support your allegation (gathering evidence in the workplace after the disclosure may be difficult) and ensure that you are making your disclosure to the **correct officer**, since your level of protection under the Act is affected by the way you make your disclosure.

Eastern Health has procedures in place to assist you to make disclosure under the protection of the Act. There is a **Protected Disclosure Coordinator** for Eastern Health as a whole (the Executive Director, Human Resources & Communications has this role, telephone 9895 4839) and a Protected Disclosure Officer in other areas (the Director - Human Resources & Employee Relations, Acute Health & Corporate Support, telephone 9871 3331 and the Director – Human Resources & Employee Relations, Continuing Care, Community & Mental Health, telephone 9881 1804). Alternatively, disclosures may be made direct to the **Ombudsman** by telephoning **9613 6222 or toll free 1800 806 314**.

More information on the Whistleblowers Protection Act is available on the web at:

www.justice.vic.gov.au/whistleblowers

or contact the Protected Disclosure Coordinator, Eastern Health on 9895 4839.

Correspondence should be marked “Confidential”.