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1 PURPOSE

- (1) The Fred Hollows Foundation NZ (FHFNZ Group) is committed to maintaining an open and accountable culture. This Policy encourages and protects Workers who raise concerns about Serious Wrongdoing, commonly known as Whistleblowing.
- (2) All Workers are expected to adhere to the FHFNZ Group's Code of Conduct, its policies and procedures, and the laws of the countries where it works. A serious breach of those standards is a Serious Wrongdoing. Workers who reasonably believe a Serious Wrongdoing has occurred are encouraged to speak up. They will not be punished, demoted, dismissed, harassed or discriminated against for doing so in good faith.
- (3) This Policy sets out how to make a Disclosure, what protections apply, and how the FHFNZ Group will respond.

2 SCOPE

- (1) This Policy applies to all Workers of the FHFNZ Group in all countries where we operate.

3 DEFINITIONS

Disclosure means a report of Serious Wrongdoing under this Policy.

Board means the FHFNZ Board of Trustees.

Board Chair means Chairperson of the Board.

Board Deputy Chair means the Deputy Chairperson of the Board.

CEO means the Chief Executive Officer of FHFNZ.

COO means the Chief Operating Officer of FHFNZ.

Employment Relationship Problem includes a personal grievance, a dispute, and any other problem relating to or arising out of an employment relationship (including conduct considered as harassment, bullying or discriminatory).

FHFNZ means The Fred Hollows Foundation NZ.

FHFNZ Group includes The Fred Hollows Foundation NZ (FHFNZ), its subsidiary The Fred Hollows Foundation NZ Pacific Eye Institute Limited (PEI), and its controlled entities The Fred Hollows Foundation PNG Inc. (FHF-PNG) and The Fred Hollows Foundation NZ SI Trust Board Incorporated (FHFNZ-SI).

Whistleblower means a Worker who makes a Disclosure under this Policy.

Whistleblowing means the act of making a Disclosure of Serious Wrongdoing under this Policy, whether internally to the FHFNZ Group or externally to an appropriate authority.

Worker means any individual who carries out work in any capacity for the FHFNZ Group in any jurisdiction including employers; employees; Trustees; contractors; people with responsibility for work and workplaces; volunteers doing work activity; people receiving work experience; people receiving on-the-job training; people working from home and mobile workers.

Serious Wrongdoing means a serious breach of the FHFNZ Group's ethical or legal standards. It can include but is not limited to the following:

- (a) the illegal, corrupt or irregular use of the FHFNZ Group's funds or resources;
- (b) conduct that is a serious risk to the health and safety of any person, including Workers and patients at FHFNZ Group-supported service providers;
- (c) conduct that is a serious risk to the environment;
- (d) conduct that exploits vulnerable or marginalised people or communities;
- (e) any offence in a country where the FHFNZ Group works;
- (f) a serious risk to the maintenance of law, including the prevention, investigation and detection of offences or the right to a fair trial;
- (g) oppressive conduct by a person performing a function or duty or exercising a power on behalf of a public sector organisation;
- (h) physical, sexual or emotional abuse or exploitation;
- (i) gross mismanagement or negligence by a person performing a function or duty or exercising a power on behalf of a public sector organisation;
- (j) abuse of authority; and

- (k) serious breaches of human rights (such as Worker exploitation).

4 GUIDING PRINCIPLES

Safety to Speak Up

- (1) No Worker should fear consequences for raising a concern in good faith. The FHFNZ Group creates the conditions for Workers to speak up, including through anonymous reporting, and takes every Disclosure seriously.

Confidentiality

- (2) The identity and identifiable information of a Whistleblower will be protected to the fullest extent possible and in line with the Protected Disclosure (Protection of Whistleblowers) Act 2022 where that Act applies to the Disclosure. Information will be shared only on a need to know basis and only to the extent necessary to investigate the Disclosure.

Integrity

- (3) The FHFNZ Group and its Workers act with integrity in all aspects of the Disclosure process. Investigations are conducted impartially, findings are based on evidence, and outcomes reflect the organisation's genuine commitment to doing what is right.

Transparency

- (4) The FHFNZ Group will be open with Whistleblowers about how their Disclosure is being handled, what decisions have been made and why, and what the outcome is. Workers will not be left wondering what happened to their concern.

Accountability

- (5) Wrongdoings are taken seriously. Appropriate action will be taken against wrongdoers, and against anyone who retaliates against a Whistleblower.

5 MAKING A DISCLOSURE

- (1) Any Worker may make a Disclosure if they reasonably believe a Serious Wrongdoing has occurred. A Disclosure should be made as soon as possible after the Worker becomes aware of the Serious Wrongdoing.
- (2) A Worker can make a Disclosure by requesting a meeting in person or by video call, by email or in writing to the contacts listed in clause 5(4) below.
- (3) Where possible, a Disclosure should include a description of the Serious Wrongdoing, including relevant dates, locations and any persons involved, and any supporting information or documentation.

Internal reporting

- (4) Disclosures should ordinarily be made to the following contacts, in order:
- (a) First: People, Culture & Capability Director. Where the Worker believes the People, Culture & Capability Director is involved or conflicted, report to the CEO instead;
 - (b) Second: CEO. Where the Worker believes the CEO is involved or conflicted, report to the Board Chair instead; then
 - (c) Third: Board Chair for concerns involving the CEO or matters of the highest seriousness.

A Disclosure may also be made at any time to the CEO, Board Chair, Board Deputy Chair or to an appropriate authority (refer clause 5(7) below).

Contact details for each role are set out on the FHFNZ intranet or on BambooHR.

Multi-jurisdictional disclosures

- (5) Disclosures may also be made in accordance with this Policy to appropriate authorities in all countries where the FHFNZ Group works, including, for example, law enforcement agencies and national health or regulatory bodies.

External reporting

- (6) A Disclosure may be made to an appropriate authority outside the FHFNZ Group if the Worker reasonably believes:
- (a) a person in a position of great authority within the FHFNZ Group may be involved in the Serious Wrongdoing;
 - (b) urgent or exceptional circumstances justify external reporting; or
 - (c) a Disclosure was made under this Policy but FHFNZ has not acted or recommended action within 20 working days.
- (7) Appropriate authorities in New Zealand are listed in the NZ Ombudsman's guide [Making a protected disclosure](#). Under the Protected Disclosures (Protection of Whistleblowers) Act 2022, a Disclosure may be protected even when made directly to an external authority, provided the Worker meets the requirements of that Act.
- (8) As a registered charity, the FHFNZ Group may also have obligations to notify Charities Services of certain Serious Wrongdoings, particularly those involving financial misconduct, misuse of charitable assets, or serious governance failures. The Board will consider this obligation where relevant.

Anonymous reporting

- (9) Disclosures may be made anonymously, although this will limit the ability of the FHFNZ Group to provide a response to the person making the Disclosure. Anonymous Disclosures will be investigated to the extent possible.
- (10) A Worker who wishes to make an anonymous Disclosure may do so by submitting a written note to any of the reporting contacts listed in clause 5(2) above. The note should be placed in a sealed envelope marked "Private and Confidential — Whistleblower Disclosure" and placed in their office or delivered by post to the relevant contact's office address.
- (11) The written note should include if the Worker wishes to receive updates and a means of contact that does not identify them (such as a postal address or anonymous email address).

What should not be reported

- (12) Employment Relationship Problems should not be reported under this Policy (save for when it relates to a retaliation as set out below). Employment Relationship Problems are usually matters that relate to an individual's current or former employment.

6 PROTECTION FROM RETALIATION

- (1) No Worker who makes a Disclosure in good faith will be subject to retaliation or detriment. Retaliation or detriment includes, but is not limited to:
- (a) dismissal, demotion or disciplinary action;
 - (b) harassment, intimidation or bullying;



- (c) exclusion from meetings or decision-making;
 - (d) changes to duties, hours or working conditions; and
 - (e) any other conduct that adversely affects the Whistleblower's employment, career or wellbeing.
- (2) The FHFNZ Group treats any allegation of retaliation seriously. Where established, retaliation may result in disciplinary action, including dismissal. Workers should be aware that causing detriment to a person for making a protected Disclosure is a criminal offence under section 116 of the Crimes Act 1961, carrying a maximum penalty of two years' imprisonment.

How to raise a retaliation concern

- (3) A Worker who believes they have experienced retaliation may:
- (a) **Internal complaint:** make a retaliation complaint to the Board Chair (see Appendix). The Board Chair will appoint an independent person not involved in the original Disclosure investigation to consider the complaint, acknowledge it within 2 working days, and provide an outcome within 20 working days;
 - (b) **Personal grievance:** raise a personal grievance within the relevant timeframe as under the Employment Relations Act 2000;
 - (c) **Human rights complaint:** make a complaint under the Human Rights Act 1993; or
 - (d) **Protected Disclosures Act remedy:** seek a remedy directly under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

7 MANAGING DISCLOSURES

- (1) The person who receives a Disclosure must:
- (a) acknowledge receipt within twenty working days;
 - (b) tell the Whistleblower about their rights under this Policy (including the right to remain anonymous and the right to bring a support person to any meetings), how the Disclosure will be handled, and the likely timeframe;
 - (c) confirm within twenty working days whether an investigation will be undertaken, if not, give reasons and advise the Whistleblower of other available avenues;
 - (d) provide a substantive update to the Whistleblower at least every twenty working days while the investigation is ongoing;
 - (e) communicate the outcome to the Whistleblower (unless they are anonymous) within three months of the Disclosure being received, or as soon as practicable thereafter; and
 - (f) convene the Investigating Committee.

Investigating Committee

- (2) All Disclosures must be investigated by an Investigating Committee. The Committee ordinarily consists of the CEO, the People, Culture & Capability Director, and the COO. Any member who is involved in the Serious Wrongdoing or has a relevant personal relationship must be excluded.
- (3) In all cases involving safeguarding, child safeguarding or sexual misconduct, a Safeguarding Officer must join the Committee.
- (4) Where two or more members are excluded due to conflict, or where the Disclosure involves the CEO, the matter is referred to a sub-committee of the Board, appointed by the Board Chair. Where the Disclosure involves the Board Chair, the Deputy Board Chair convenes the sub-committee.



- (5) The Committee may appoint an independent external investigator where the nature or seriousness of the Disclosure warrants it.

Responsibilities of the Investigating Committee

- (6) The Investigating Committee will:
- (a) determine whether a Serious Wrongdoing has occurred;
 - (b) respect the rights of both the Whistleblower and the person(s) against whom the Disclosure is made;
 - (c) determine the appropriate course of action, including recommendations to remedy defects or address unlawful activity;
 - (d) ensure appropriate remedies are available to people who have experienced retaliation;
 - (e) take appropriate action against wrongdoers and against Workers who retaliate against Whistleblowers; and
 - (f) keep the Whistleblower informed of the outcome (unless anonymous).

Privacy and information handling

- (7) All personal information collected during a Disclosure will be handled in accordance with the Privacy Act 2020. The FHFNZ Group will collect only information necessary for the investigation, keep it secure, and limit access to those with a legitimate need. If a serious privacy breach occurs in the course of handling a Disclosure, the FHFNZ Group will notify the Office of the Privacy Commissioner as required.

Support for Whistleblowers

- (8) The FHFNZ Group recognises that making a Disclosure can be stressful. The following support is available to any Worker who makes a Disclosure under this Policy:
- (a) **Support person:** the Whistleblower may bring a support person (such as a colleague or other trusted individual) to any meeting held as part of the investigation process. The support person must not be directly involved in the matters under investigation.
 - (b) **Employee Assistance Programme (EAP):** Workers are encouraged to access FHFNZ's EAP for confidential counselling and support throughout the investigation process. Contact details for the EAP provider are available on the FHFNZ intranet.
 - (c) **Welfare check-ins:** the person managing the Disclosure will make reasonable efforts to check in with the Whistleblower at regular intervals during the investigation to ensure they are receiving appropriate support.
 - (d) **Cultural support:** where the Whistleblower is a Pacific or other culturally diverse Worker and requests it, the FHFNZ Group will endeavour to involve a culturally appropriate support person or advisor in the process.

8 BREACH OF POLICY

- (1) A breach of this Policy may be assessed by the FHFNZ Group as constituting misconduct, serious misconduct, or fraud.
- (2) Depending upon the severity of the breach, the FHFNZ Group may invoke internal disciplinary action and, where considered appropriate in its discretion, action by an external enforcement agency.
- (3) In addition, the FHFNZ Group may seek the reimbursement of direct and indirect consequential losses or costs from the individual(s) concerned.



- (4) Workers who wish to raise a Serious Wrongdoing about another Worker's actions or behaviour in relation to this Policy, may do so under the FHFNZ Group Whistleblower Policy. Workers raising a Serious Wrongdoing will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made the disclosure in good faith.

9 POLICY REVIEW

- (1) It is intended that this Policy will be reviewed at least every five years. This intent does not constrain or limit the Board's ability to amend this Policy as it sees fit at any other time.

10 RELATED LEGISLATION AND DOCUMENTS

United Nations Convention against Corruption

Relevant country law where the FHFNZ Group operates

New Zealand Charities Act 2005

New Zealand Crimes Act 1961

New Zealand Employment Relations Act 2000

New Zealand Human Rights Act 1993

New Zealand Privacy Act 2020

New Zealand Protected Disclosures (Protection of Whistleblowers) Act 2022

New Zealand Council for International Development Code of Conduct

PNG Whistleblower Act 2020

Solomon Islands Whistleblower Protection Act 2018

FHFNZ Code of Conduct

FHFNZ Prevention of Sexual Exploitation, Abuse and Harassment Policy

FHFNZ Prevention of Wrongdoing and Terrorism Policy



Document control & amendment history

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1.0	New policy	Legal & Development Effectiveness Manager	October 2014
2.0	Simplifying the process, making the language more accessible, ensuring the policy is applicable across the region, and emphasising safeguarding.	Legal & Development Effectiveness Manager	21.03.2019
2.1	Non-material update to standardise definitions/language, and add the breach of policy and policy review sections	CEO	17.03.2022
3.0	Update to be consistent with the Protected Disclosures (Protection of Whistleblowers) Act 2022, to include anonymous reporting and protection from retaliation.	Policy, Partnership and Strategy Support Officer	25.05.2026