



WHISTLEBLOWING POLICY

POLICY STATEMENT

Oxfam New Zealand (ONZ) is committed to fostering a culture of values-based behaviour, transparency and accountability in our day-to-day work.

This Whistleblowing policy affirms and clarifies Oxfam's commitment to help and protect ONZ Employees and Workers to safely report serious misconduct or wrongdoing, without having to worry that detrimental action will be taken against them.

All complaints in ONZ, regardless of how serious, are treated confidentially, can be submitted anonymously if required¹, and only those who need to know in order to undertake an investigation will be aware of the details of the complaint.

In New Zealand, this policy is also reinforced by the [Protected Disclosures Act 2000](#), which also provides legal protection for employees and workers who report serious wrongdoing of the following types:

- Unlawful, corrupt, or irregular use of funds or resources of a public sector organisation (e.g. Ministry of Foreign Affairs and Trade); or
- Conduct that seriously risks public health, safety or the environment; or
- Conduct that seriously risks the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial; or
- Conduct that constitutes an offence under New Zealand law; or
- Conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement

In addition, ONZ extends the above list to cover other types of serious wrongdoing to also be covered by this Whistleblowing policy. This includes:

- Fraud, Corruption or any misuse of Oxfam funds
- Harassment, Bullying or Abuse (verbal or physical)
- Discriminatory behaviour of any kind such as racism or homophobia
- A breach of Oxfam's Code of Conduct

Under this policy the employee or worker who, in good faith and in accordance with this policy, 'blows the whistle' on serious misconduct or wrongdoing will be protected against reprisal, dismissal or discriminatory treatment. This is regardless of whether the complaint/disclosure is about something that has impacted them personally or that may have been witnessed (as a 'bystander').

ONZ is committed to effectively dealing with any and all complaints in a timely and sensitive manner. The ONZ Operations Director is responsible for managing and investigating all complaints or disclosures associated with serious misconduct or wrongdoing, and is dedicated to considering and responding to all whistleblowing disclosures/complaints made under this policy.

POLICY PROVISIONS

This policy is intended to complement normal communication of concerns between staff and their managers. Staff are encouraged to continue to use existing or trusted communication channels and to raise concerns about any issue, with their manager, at the earliest opportunity to enable a timely response. This would, in the majority of cases, be through the normal Complaints process.

¹ Recognising that Oxfam may be limited in its ability to investigate the complaint if it does not know who the complainant is, or cannot ask further questions of clarification.

Oxfam New Zealand Whistleblowing Policy & Procedure		Page 1 of 7
Policy Scope: Organisation-wide		Created: October 2014
Reviewed: September 2020	Approved: ONZ Operations Director	Next review date:
Location:		

The procedures set out in this policy should be used only where the complainant feels they are unable to safely follow the normal complaints process or they feel it is inappropriate to do so.

This policy is not intended for resolving employment relationship problems such as issues or personal grievances that are not serious wrongdoings – refer to the Complaints Policy for more guidance on how to address these different concerns. Under this policy the type of complaints addressed are those that relate to serious wrongdoing and that have been made by ONZ Employees or Workers only (refer to Definitions below).

The ONZ Operations Director is able to advise, confidentially, whether a matter/concern is within the scope of this policy, its provisions and procedures.

EMPLOYEE & WORKER PROTECTION

When an employee or worker makes a disclosure or complaint about serious wrongdoing, under this policy their disclosure will be protected if:

- the information is about serious wrongdoing in the workplace;
- they believe on reasonable grounds that the information is true or likely to be true; and
- they want the serious wrongdoing to be investigated.

A disclosure **won't be protected** if:

- the person knows the allegations are false, or they act in bad faith; or
- the information being disclosed is protected by legal professional privilege.

Under this policy, they will be protected in the following ways:

- Their disclosure will be kept confidential (subject to exceptions below).
- They will be protected from civil and criminal proceedings if the serious wrongdoing is covered by the NZ Protected Disclosures Act.
- They will be protected from retaliatory action or disadvantage in the Oxfam workplace, and can take a personal grievance if this happens, under ONZ's Grievance Policy.
- They will be protected by the anti-victimisation provisions of the [Human Rights Act 1993](#).

A person who has committed or been involved in unacceptable conduct will not be immune from disciplinary action merely because they have reported this or other unacceptable conduct in accordance with this policy. However, the person's conduct in making the report is likely to be taken into account in determining what disciplinary action is appropriate.

CONFIDENTIALITY

The person responsible for investigating any complaint will use their best endeavours not to disclose information that might identify the person who made the complaint unless that person consents in writing to the disclosure of that information; or they reasonably believe that disclosure of identifying information—

- is essential to the effective investigation of the allegations; or
- is essential to prevent serious risk to public health or public safety or the environment;
- or
- is essential to comply with the principles of natural justice (see Definitions).

The person investigating the complaint is under a very strong obligation to keep the complainant's identity confidential.

Oxfam New Zealand Whistleblowing Policy & Procedure		Page 2 of 7
Policy Scope: Organisation-wide		Created: October 2014
Reviewed: September 2020	Approved: ONZ Operations Director	Next review date:
Location:		

POLICY DEFINITIONS

Complainant: the person (employee, contractor or volunteer) making the complaint/disclosure

Employee or **Worker** is a person paid a wage or salary by ONZ; was a former employee of ONZ; someone seconded or contracted to work for ONZ; or a volunteer who works for the organisation without reward for that work, including Board members.

Respondent: the person who the complaint is about.

Disclosure is a complaint of serious wrongdoing that is covered under this Whistleblowing policy to provide protection to the complainant from retaliation.

Legal professional privilege means information that is confidential legal advice. For example, it might be emails, memos or reports written by a lawyer advising Oxfam on certain issues. It might also be correspondence about a legal action taking place in Court. The [NZ Ombudsman](#) can be contacted for advice about this if unsure.

Natural justice: As defined in the Protected Disclosures Act, 'natural justice' is a duty to act fairly. It is the right to a fair process and a fair hearing, free from bias. For example, it might mean that an alleged wrongdoer needs to be provided with more information about the allegations, in order to have the opportunity to respond to the allegations.

Serious wrongdoing under the Protected Disclosure Act (PDA) 2000 includes unlawful, fraudulent, corrupt, irregular use of funds or resources; conduct that poses serious risk to public health, safety or the environment; conduct that risks maintaining the law or constitutes an offence; and oppressive, improper discriminatory conduct, gross negligence or gross mismanagement. In addition, ONZ also considers serious wrongdoing as defined in this policy to include, sexual harassment, abuse and exploitation; fraud or any misuse of Oxfam funds; harassment, bullying or abuse (verbal or physical); discriminatory behaviour of any kind; or a breach of Oxfam's Code of Conduct.

RELATED DOCUMENTS

[One Oxfam Safeguarding Standards](#)

[Oxfam Code of Conduct](#)

[ONZ Complaints Policy & Procedure](#)

[ONZ Grievance Policy & Procedure](#)

[ONZ Disciplinary Policy & Procedure](#)

Oxfam New Zealand Whistleblowing Policy & Procedure		Page 3 of 7
Policy Scope: Organisation-wide		Created: October 2014
Reviewed: September 2020	Approved: ONZ Operations Director	Next review date:
Location:		



WHISTLEBLOWING PROCEDURE

Reporting Process - for Internal Staff

As with any complaint in Oxfam, the first pathway is to raise the issue directly, if appropriate, with the subject of the complaint to initially address any concerns. If the complainant does not feel comfortable in doing so, or the discussion with the subject of the complaint confirms wrongdoing has potentially occurred, then the matter must be raised with their line manager to discuss making a formal complaint (refer to the overarching ONZ Complaints policy).

Any complaint or disclosure (whether formal or informal) will be treated seriously by ONZ and dealt with sensitively, expeditiously and in confidence.

If the complaint or disclosure is about serious wrongdoing or serious misconduct, then the complainant may come directly to the ONZ Operations Director.

If the complaint or disclosure is about the ONZ Operations Director, then the complaint or disclosure may alternatively be reported to the Executive Director.

If the complainant wishes to remain anonymous², or just prefers to register the serious wrongdoing online, they may do so here: <https://oxfam.clue-webforms.co.uk/webform/misconduct>

Reporting Process - for External Parties, including Ex-Staff

Any complaint about serious wrongdoing by Oxfam or one of its staff may be raised directly with the Oxfam NZ Operations Director, by calling the main Oxfam line (0800 600 700 / 09 355 6500) and asking to speak confidentially to the Operations Director. Serious wrongdoing may also be reported confidentially, via our web-form: <https://oxfam.clue-webforms.co.uk/webform/misconduct>

Advice, Support and Expertise – Internal and External

Advice, assistance or support for anyone considering making a complaint is available from the ONZ Operations Director or Oxfam union representative (for union members).

Both the complainant and respondent to a serious wrongdoing complaint have the right to be accompanied by a support person to any interview and/or meeting convened under this policy.

Confidentiality and Anonymity

Except when required to break confidentiality (under specific requirements defined in the Whistleblowing Policy, or by law), the identity of the complainant and respondent will not be revealed. Although the complainant can additionally choose to make the complaint anonymously, it is important to think about whether Oxfam will be able to investigate the information if it does not know who the complainant is, or cannot ask further questions of clarification.

All discussion, interviews and investigations of a disclosure made under this policy will be conducted in the strictest confidence. Where an investigation is instigated, only the complainant (if not anonymous), the respondent, those with a formally assigned role (refer to the Status Reporting section below) and/or those with material information to contribute will be made aware that an investigation is being conducted.

² Recognising that Oxfam may be limited in its ability to investigate the complaint if it does not know who the complainant is, or cannot ask further questions of clarification.

Oxfam New Zealand Whistleblowing Policy & Procedure		Page 4 of 7
Policy Scope: Organisation-wide		Created: October 2014
Reviewed: September 2020	Approved: ONZ Operations Director	Next review date:
Location:		

Timelines

Oxfam commits to engage all relevant parties and to swiftly act to conclude all cases, however the timeline may vary depending on the nature and complexity of the complaint. At the very least, if contact details have been provided, we aim to acknowledge the complaint within 2 working days and initiate a formal investigation.

Investigating a Serious Wrongdoing Complaint or Disclosure

The manager who receives any complaint of serious wrongdoing must immediately inform the Operations Director (or Executive Director if the wrongdoing involves the Operations Director), who will initiate a formal investigation as required under ONZ's Complaints Policy. The investigation will determine the accuracy of the disclosure and the extent of wrongdoing and will be undertaken as a matter of priority.

The findings of the investigation will determine what, if any, action will be taken.

Depending on the nature and seriousness of the allegation and against whom it is made, the matter may be referred to a law enforcement agency, regulator or external investigator. Unless required by law, the complainant's consent will be obtained prior to providing the disclosed information to external parties.

The Operations Director will ensure that:

- The complainant is made aware of the ONZ Whistleblowing Policy and the protections it provides for employees and workers.
- Investigations will be carried out as fast as reasonably practicable.
- The identity of the complainant or respondent will not be made known to other parties without their specific consent, unless the law requires it or where it is essential to prevent or lessen a serious health and safety threat or to protect or enforce ONZ's legal rights or responsibilities.
- Advise the person promptly, where possible, if matters change and/or give as much warning as is reasonably possible if the person's identity will become known.
- Keep detailed records of all interviews conducted and all records reviewed which affect the outcome of the investigation. If the complaint involves a safeguarding issue (harassment, exploitation or abuse) or involves fraud or corruption, then these records will be stored in Oxfam's Global Case Management System.
- At the end of any investigation submit a report to the ONZ Executive Director. This report should:
 - Summarise the conduct of the investigation and the evidence collected;
 - Draw conclusions about the extent of any breach of Oxfam's Code of Conduct or Policies; and
 - Recommend action/s to remedy any breach to ensure that it does not recur.

The Operations Director will take all reasonable steps to ensure that investigations into disclosures are fair and unbiased and conducted in accordance with principles of natural justice. This means:

- Any person who may be affected by the investigation to have the opportunity to put their case and to be aware of the allegations and evidence against them
- The Operations Director will obtain specialist, independent advice on matters outside their knowledge or expertise
- All employees of ONZ are required to assist the Operations Director to the maximum possible extent in carrying out investigations and keep matters confidential.

Oxfam New Zealand Whistleblowing Policy & Procedure		Page 5 of 7
Policy Scope: Organisation-wide		Created: October 2014
Reviewed: September 2020	Approved: ONZ Operations Director	Next review date:
Location:		

The principles of natural justice concerning procedural fairness and ensuring a fair decision is reached will be by an objective decision made by the Operations Director. All allegations and counter-allegations will need to be substantiated. The standard of proof shall be the balance of probabilities.

Note: *These requirements for natural justice and a fair investigation can be limited if the complainant has chosen to be fully anonymous as this can reduce the ability to learn more and check further detail with the complainant, after the disclosure is made.*

Concluding an Investigation

At the conclusion of the investigation, the Operations Director in liaison with the Executive Director, will determine the appropriate response. This response will include rectifying any unacceptable conduct and taking any action required to provide support and care for any survivors involved and prevent any future occurrences of the same or similar conduct.

Where issues of discipline arise, the response will also be in line with ONZ procedures for disciplinary matters. Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

No action will be taken against a person who in good faith makes a disclosure/complaint under this policy that is not confirmed by subsequent investigation. However, if a person's report is not made in good faith or is found to be malicious, vexatious or deliberately misleading, he or she may be subject to ONZ disciplinary proceedings.

Appeals/Disputes

If either the complainant or respondent is not satisfied with the outcome of the investigation, an appeal/dispute can be lodged with the ONZ Executive Director for their consideration. Their decision will be final.

Status Reporting to Stakeholders

The complainant, if not anonymous, will be advised when an investigation has been initiated, and also when the case has been concluded. However, for legal and confidentiality reasons ONZ may not always be able to provide details of decision and actions taken. At a minimum the complainant will be advised if the case was upheld or not.

The Oxfam NZ Executive Director will also be kept fully informed of all details throughout any investigation.

The Oxfam NZ Board will be informed of the general nature of any serious wrongdoing but this will be kept anonymised and will not identify the complainant. In the event that the complaint is about the Executive Director, the Board Chair / Co-Chair will be kept fully informed of all details of the investigation.

If the serious wrongdoing involves a safeguarding issue (harassment, exploitation or abuse) or involves fraud or corruption, then an anonymised, high-level summary report disclosing the nature and seriousness of the complaint will also be reported to the Oxfam International Secretariat, through the Global Case Management System.

Oxfam New Zealand Whistleblowing Policy & Procedure		Page 6 of 7
Policy Scope: Organisation-wide		Created: October 2014
Reviewed: September 2020	Approved: ONZ Operations Director	Next review date:
Location:		

If the serious wrongdoing is associated with a programme funded by an institutional donor (e.g. NZ Ministry of Foreign Affairs & Trade), then that donor will be immediately informed of the complaint and kept updated with the findings of any investigation. This reporting will be anonymised and will not identify either the complainant or respondent.

At all times, Oxfam NZ will adhere to confidentiality requirements as defined under New Zealand law, including the Protected Disclosures Act 2000 and the Privacy Act 2020.

Data Security

The Operations Director will ensure that any records relating to a serious wrongdoing complaint or disclosure are stored securely and are able to be accessed only by authorised staff if required due to nature of their role.

At all times, Oxfam NZ will adhere to confidentiality requirements as defined in New Zealand law, including the Protected Disclosures Act 2000 and the Privacy Act 2020.

RELATED DOCUMENTS

[One Oxfam Safeguarding Standards](#)

[Oxfam Code of Conduct](#)

[ONZ Complaints Policy & Procedure](#)

[ONZ Grievance Policy & Procedure](#)

[ONZ Disciplinary Policy & Procedure](#)

[Global Case Management COMPASS Page](#)

Oxfam New Zealand Whistleblowing Policy & Procedure		Page 7 of 7
Policy Scope: Organisation-wide		Created: October 2014
Reviewed: September 2020	Approved: ONZ Operations Director	Next review date:
Location:		