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# Whistleblowing Policy

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## 1. Background and Purpose

Metlifecare Limited (“**Metlifecare**”) is committed to having effective procedures in relation to the reporting and investigation of serious wrongdoing.

The purpose of the Whistleblowing Policy is to provide a mechanism by which serious wrongdoing can be reported and investigated. The policy applies where a “**Discloser**” or “**Other Discloser**” (as defined in section 4 below) becomes aware of potential serious wrongdoing within the organisation and wishes to disclose the information so that the potential serious wrongdoing can be investigated.

The policy applies to Metlifecare and its related companies.

## 2. Application

This policy should be used where a Discloser or Other Discloser:

- Believes on reasonable grounds that serious wrongdoing within or by Metlifecare has occurred;
- Wishes to disclose that information so it can be investigated; and
- Wants that disclosure to be protected.

For the purposes of this policy, “**serious wrongdoing**” includes but is not limited to:

- an offence;
- a serious risk to:
  - public health;
  - public safety;
  - the health or safety of any individual; or
  - the environment;
- bullying or harassment (including sexual harassment);
- fraud, corruption or other illegal behaviour;
- an unlawful, corrupt, irregular or grossly negligent use of Metlifecare funds or resources;
- conflicts of interest;
- a serious risk to the maintenance of law, including:
  - the prevention, investigation and detection of offences; or

- the right to a fair trial;
- an act, omission or course of conduct that is oppressive, unlawfully discriminatory, grossly negligent, or that constitutes gross mismanagement; or
- an act, omission or course of conduct that constitutes a serious risk to Metlifecare meeting its legal obligations; or
- in breach of Metlifecare’s Code of Ethics, Conflicts of Interest Policy or the Abuse and Neglect of Residents’ Policy, but only if that breach would otherwise fall within any of the acts, omissions, or courses of conduct that are described in the list above.

This policy does not apply to other complaints that do not constitute serious wrongdoing. In particular, this policy will not be used for common day to day issues such as supporting an employment dispute.

Where a Discloser is an employee of Metlifecare, in the first instance they are encouraged to raise matters of concern with their line manager. Where that employee reasonably considers that it is inappropriate to do so and the issue of concern is potential serious wrongdoing, the processes set out in this policy may be used.

### 3. References

This policy should be read in conjunction with Metlifecare's Code of Ethics, Conflicts of Interest Policy, Abuse and Neglect of Residents Policy and Procedures, Feedback Policy and all applicable laws, including:

- Privacy Act 2020
- Employment Relations Act 2000
- Human Rights Act 1993
- Protected Disclosures (Protection of Whistleblowers) Act 2022 (“PDA”).

### 4. Who is a Discloser or Other Discloser (Whistleblower)?

Any Discloser or Other Discloser who wishes to make a protected disclosure concerning potential serious wrongdoing may do so, by following the process set out in section 5.

A Discloser, in relation to Metlifecare, means an individual who is (or was formerly):

- an employee;
- a secondee;

- engaged as an independent contractor to Metlifecare;
- concerned in the management of Metlifecare; or
- a volunteer.

An “**Other Discloser**”, in relation to Metlifecare, means an individual who is (or was formerly) a resident (independent living or in care), suppliers and their employees, family members of any of the above, or any other stakeholder.

## 5. Who can a Discloser or Other Discloser make a report to?

There are two channels for making a report if a person becomes aware of any issue or behaviour which they consider to be serious wrongdoing:

### ***Internal Reporting***

Metlifecare has two Whistleblowing Officers. They are the GM People and Culture (Anna Lissaman) and General Counsel and Company Secretary (Anna Thorburn).

**Anna Lissaman (GM- People and Culture)**

[anna.lissaman@metlifecare.co.nz](mailto:anna.lissaman@metlifecare.co.nz);

021 243 5082

**Anna Thorburn (General Counsel and Company Secretary)**

[anna.thorburn@metlifecare.co.nz](mailto:anna.thorburn@metlifecare.co.nz)

021 245 2470

If circumstances arise where it is not appropriate to raise a concern with one of the Whistleblowing Officers, the concern should be raised directly with the CEO (Earl Gasparich).

If a Discloser or Other Discloser reasonably believes that all of the above individuals are involved in or associated with the serious wrongdoing, the matter should be referred to the Chair of the Board of Metlifecare.

**Reporting to Deloitte**

Alternatively, disclosures can be made to Metlifecare's dedicated confidential whistleblowing service, operated by Deloitte.

<p style="text-align: center;"><b>Deloitte</b></p> <p style="text-align: center;">dwsnz@deloitte.com</p> <p style="text-align: center;">0800 403 478</p> <p style="text-align: center;">online at <a href="http://www.metlifecare.deloitte.com.au">www.metlifecare.deloitte.com.au</a></p>
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All disclosures made to Deloitte will be treated confidentially. Upon receipt, Deloitte will prepare a report of the disclosure and provide it to the Whistleblower Officers or the CEO (if both of the Whistleblower Officers are implicated) or the Chair of the Board (if both of the Whistleblower Officers and CEO are implicated). Where Deloitte is in receipt of the name of the Discloser or Other Discloser, Deloitte will not disclose that identity to Metlifecare unless consent is given, or disclosure is required by law.

A Discloser or Other Discloser can also make a protected disclosure to an appropriate authority at any time, including in circumstances where the Discloser or Other Discloser has also made a disclosure to Metlifecare or another appropriate authority.

## 6. Investigation of Disclosures

All disclosures made under this policy will be properly investigated in a fair and objective way, while ensuring natural justice is afforded to all people involved in the investigation.

Investigation processes will vary depending on the nature of the concerns raised. Upon receipt of a disclosure, an assessment of the issue raised will be made to determine whether a full investigation is required, and if so, whether that investigation should be carried out internally or externally. For a report to be investigated, it must contain sufficient information to form a reasonable basis for investigation.

Not all complaints will require a full investigation. An assessment may determine that the issue is unsubstantiated, minor or low risk, in which case a full investigation will not take place. That assessment may be made by the individual at Metlifecare authorised to receive the report (being the

Whistleblower Officer, CEO or Chair of the Board), provided that such assessment is reported to the Board or the Board's Audit and Risk Committee (see section 7).

The individual at Metlifecare in receipt of the report (being the Whistleblower Officer, CEO or Chair of the Board), taking advice as necessary, shall either carry out an investigation themselves or appoint a suitably qualified individual to do so (whether internally or externally). The individual assessing and/or investigating the complaint may engage with the CEO, Executive Team and/or Chair of the Board in the course of carrying out the assessment and/or investigation, provided such persons are not connected to the alleged serious wrongdoing.

It is intended that unless exceptional circumstances apply, investigations should be completed within 20 working days of receipt of the disclosure. The Discloser or Other Discloser should be kept updated if this timeframe cannot be met.

## **7. Reporting**

Disclosers or Other Disclosers who provide non-anonymous reports have the right to be kept informed of progress, subject to considerations of privacy, confidentiality and other legal obligations. Unless it is inappropriate to do so, Metlifecare will advise the outcome of the investigation to the Discloser or Other Discloser, on a confidential basis.

The Board or the Board's Audit and Risk Committee will be notified of the outcome of any reports received (including the outcome of any investigation).

Metlifecare is committed to implementing the findings and recommendations of any investigation, with a view to rectifying any wrongdoing as far as practicable and minimising the risk of similar conduct taking place in the future.

## **8. Confidentiality**

All disclosures made in accordance with this policy will be treated confidentially and shared only to the extent necessary to allow an investigation or to determine what action is appropriate.

Disclosers and Other Disclosers can choose to keep their identity confidential. While there are some circumstances where identities may need to be disclosed to authorities, Metlifecare will discuss this with the Discloser or Other Discloser before that occurred.

If a Discloser or Other Discloser chooses to provide information anonymously, it may limit Metlifecare's ability to fully investigate and address the issue or behaviour raised. It may also mean

that the Discloser or Other Discloser wouldn't be able to assist with any questions or receive feedback or updates on the matters reported.

## 9. **Protections offered by Metlifecare**

Metlifecare is committed to protecting all Disclosers and Other Disclosers who make a disclosure in accordance with this policy, from any form of reprisal or victimisation. No Discloser or Other Discloser making a disclosure under this policy in good faith will have action taken against them unless their actions are in breach of laws, contracts or Metlifecare policies (including this policy).

## 10. **Protection under the Protected Disclosures (Protection of Whistleblowers) Act 2022**

Certain disclosures under this policy made by Disclosers (but not Other Disclosers) are also protected by the PDA. Further information on making a protected disclosure under the PDA is available here: <https://www.ombudsman.parliament.nz/resources/making-protected-disclosure-guide-blowing-whistle>

## 11. **No retaliation or victimisation**

A Discloser or Other Discloser who is retaliated against or victimised as a result of making or intending to make a protected disclosure in good faith under this policy, should inform a senior supervisor within their division/business unit immediately. If the matter is not remedied, it should be raised via an alternative channel in accordance with section 5 of this policy.

Retaliation includes (in relation to an employee) dismissal, demotion, being subject to detriment or disadvantage in circumstances which other employees employed in work of that description would not be subjected to detriment or disadvantage or retiring an employee (including requiring or causing the employee to retire or resign) or organising to do any of these things.

Victimisation is where a person receives actual or threatened unfavourable treatment (compared to other persons in the same or substantially similar circumstances) connected with making, intending to make, encouraging, or giving information in support of, a protected disclosure (provided that disclosure is not a knowingly false allegation or otherwise made in bad faith).

## 12. **Limitations on Protections**

Protections under this policy may not apply if a Discloser or Other Discloser makes an allegation known to them to be false, or otherwise act in bad faith. The protection will not apply if information is provided only after being required to do so by law, or after being approached during the course of a separate investigation of the matter.

Protections are also not guaranteed under this policy if the alleged wrongdoing is reported to recipient who is not authorised to receive that disclosure, such as the media or members of the public.

### 13. **Review**

The Board will review this policy every second year.