

Bupa A&NZ Local Policy

Speak Up Policy

Encouraging our people to Speak Up whenever they have a concern about breaches of Bupa A&NZ policies and standards, any wrong doing or the risk of harm to our people, customers, the public, the environment or Bupa in a culture of openness and accountability

A&NZ Market Unit
June 2021

Love working here



Speak Up Policy

Introduction

Purpose

Consistently achieving high standards in the way we run our business helps us achieve the right outcomes for Bupa, our customers and our people, ultimately ensuring we deliver our purpose: longer, healthier, happier lives. At Bupa we are committed to conducting our business responsibly and with honesty and integrity. However, all businesses face the risk of something going wrong or people behaving in ways which are not appropriate or acceptable. That's why a culture of openness and accountability is so important. We also need to have a framework in place to enable our people to report issues and concerns if they are not able to raise those concerns directly with their immediate teams or if they believe that their concerns have not been dealt with appropriately. Also, some clinicians are bound by professional codes of practice that require them to highlight misconduct or malpractice to a relevant professional body.

Bupa's people policies, systems and processes support our business by treating all of our people in a fair and equitable manner. Decisions concerning speaking up within Bupa will not be influenced by race, sex, pregnancy or potential pregnancy, colour, sexual orientation, gender identity/expression/history, transgender or transsexual status, political belief or activity, religion, marital status, caring responsibilities, parental status, breastfeeding, irrelevant criminal or medical record, national or ethnic origin, disability, age, citizenship or membership of a representative body except where required or justified by any applicable laws.

Why is this Policy important?

- Provide a fair and consistent framework within which you are encouraged to speak up, in a responsible way, about any concerns you have as soon as possible, in the knowledge that those concerns will be taken seriously, investigated and responded to appropriately and any request for confidentiality respected.
- Provide you with guidance on how to speak up and information about the protections which will apply to you.
- Reassure you that you are able to raise genuine concerns without fear, even if you turn out to be mistaken.

What if we don't comply?

- Bupa may not be aware of an unsafe practice, risk or wrongdoing which has the potential to cause harm to our people, our customers, the public, the environment or Bupa. Failure to comply may also expose Bupa and individuals to legal or regulatory sanctions.

Scope

This policy is applicable to all Bupa A&NZ owned and controlled businesses. This includes all management structures and legal entities / subsidiaries for which Bupa A&NZ wholly own or hold a controlling interest (i.e. over 50%).

Where Bupa holds an equal or minority interest (i.e. equal to or less than 50%), the policy's applicability should be on a case by case basis and agreed by the MU MD, A&NZ CRO and Group CRO.

It should be applied in Joint Ventures on a 'best endeavours' basis.

This policy is available on the intranet and will also be made available on Bupa's website. All our people, contractors and temporary staff need to be aware of and comply with this policy.



Principles

Our Principles and Requirements

This section sets out the Principle requirements of the policy which apply across Bupa A&NZ.

1. What is speaking up?

- 1.1 We want Bupa to be a place where our people speak up whenever they have a concern about suspected or actual wrongdoing or dangers at work. This may include but is not limited to:
 - Health and safety risks, including risks to customers (including patients, residents and their families) as well as other people working at Bupa (including bullying);
 - Bribes or kickbacks;
 - Information security breaches or unauthorised use of Bupa’s confidential information;
 - Damage to the environment;
 - Financial mismanagement or questionable accounting;
 - Fraud and corruption;
 - Serious breaches of Bupa’s policies and/or procedures, including the Bupa ANZ Code of Conduct;
 - Conflicts of interest;
 - Anti-competitive behaviour;
 - Breaches of the law, regulations or a professional code;
 - Criminal activity;
 - Actions or behaviour which could damage Bupa’s reputation;
 - Miscarriage of justice;
 - Other dishonest or unethical conduct; and
 - Actions which are intended to hide or cover up any of the above.
- 1.2 Please remember that if, during the course of your work, you have reasonable grounds to suspect money laundering, terrorist financing or fraud, a confidential suspicion report should be made to the interim General Counsel, Maria Marinelli (email: maria.marinelli@bupa.com.au, phone: +61 3 9937 4160 or +61 418 926 976) or the Legal Director – Bupa Villages & Aged Care ANZ, Employment & Litigation, Calum Cook (email: calum.cook@bupa.com.au, phone: +61 3 9937 4633 or +61 403 497 769).
- 1.3 Please consider whether there is another, more appropriate, procedure under which to raise your concern. For example, complaints relating to your own personal circumstances (such as a Personal Work-Related Grievance regarding the way you have been treated at work) would not usually qualify for protection under this policy and should be dealt with under the relevant grievance policy or procedure by contacting your manager, “two up” manager or a member the People Team.
- 1.4 If you need help deciding if the concern you have should be raised under this policy you can speak to:
 - Your local Speak Up Officer, Calum Cook, Legal Director – Bupa Villages & Aged Care ANZ, Employment & Litigation (email: calum.cook@bupa.com.au, phone: +61 3 9937 4633 or +61 403 497 769) or Deputy Speak Up Officer, Alice Costello, Senior Legal Adviser, (email: Alice.Costello@bupa.com.au; phone +61 419 886 820), or
 - NAVEX Global, an independent company which is our partner in providing telephone and web reporting services for Speak Up matters. NAVEX Global is a trusted partner managing the whistle blowing, ethics and compliance hotlines for over 10,000 organisations worldwide. You can contact NAVEX Global:
 - Through the Speak Up website at www.bupa.com/speakup; or
 - on a local telephone number in your jurisdiction:



Location	Local telephone number
Australia	1-800-47-9241
New Zealand	From an outside line dial the direct access number for your location New Zealand: 000-911 At the English prompt dial 855-831-3143

2. If you want to speak up

- 2.1 If you see an actual or suspected unsafe practice, risk or wrongdoing, decide whether you can tackle it yourself, there and then. A firm, polite challenge is sometimes all that is needed.
- 2.2 In many cases, you may also be comfortable raising any concerns with your manager or, where this is not possible, a more senior manager, without formally speaking up or needing the protections applied under this policy. You are encouraged to have an open dialogue with your managers, as they may be able to help resolve your concern quickly and effectively.
- 2.3 If you would like to speak up under this policy, and have the benefit of the formal protections outlined in this policy, you can speak up under the policy by contacting:
 - NAVEX Global through the website at www.bupa.com/speakup or by telephone (see local numbers above). Both the website and the local telephone hotlines are available 24 hours a day, seven days a week and can take questions and concerns in many languages;
 - The interim General Counsel (see details in Part 1.2 above); or
 - Your Speak Up Officer (see details in Part 1.4 above).
- 2.4 When you make a report, we ask that you give us as much information as possible about your concern to help us investigate it fully. For example, dates, times and locations of any incidents you refer to, a description of specifically what occurred, and the names of any people involved. You may make an anonymous report (see part 3 below), however we encourage you to provide as much information as possible to make it easier to investigate and address your report.
- 2.5 We will write to you within 5 working days to let you know we have received your concern(s) and, where appropriate, a meeting will be arranged with you to discuss your concern(s).
- 2.6 Where the circumstances may give rise to a conflict of interest (e.g. where the speak up report involves the Speak Up Officer themselves), the Speak Up Officer must take appropriate steps to eliminate that conflict of interest (e.g. ensuring that the person the subject of the report is not involved in any way in its resolution).

3 Confidentiality and anonymity

- 3.1 When you speak up under this policy, we will not disclose your identity to anyone without your prior consent or share information that could be used to work out your identity. Bupa will only disclose such information in exceptional circumstances where allowed or required by law or, in the case of Personal Work-Related Grievances, for the purposes of referring the matter to the People Team (and if necessary, relevant members of management) for investigation and resolution.
- 3.2 If you consent to us disclosing your identity, these details will only be shared with those who need to be involved in investigating and addressing your concern (i.e. the investigator and, if necessary, relevant members of management). These people will also be required to keep your identity confidential.
- 3.3 If you want to keep your identity secret, you may prefer to make an anonymous report. If you do want to report a concern without giving your name please do so by contacting NAVEX Global



through the website at www.bupa.com/speakup or by telephone (see local numbers above). You will be given a personalised report key and password that you can use to access the Speak Up system to receive updates on the concern you have raised from NAVEX Global.

- 3.4 Please note that if you report anonymously (or do not consent to your identity being disclosed to anyone) it may be difficult for us to properly investigate your concern.
- 3.5 If you are concerned about being treated badly if someone finds out that you have raised a concern, supported someone who has raised a concern or taken part in the investigation or resolution of a concern, please be assured that you are protected against such poor treatment when you report genuine concerns. Please report any concerns you have about poor treatment to your Speak Up Officer.

4 Advice

- 4.1 If you feel you would like to take advice before speaking up or if you believe that you may be treated badly or that the concern you report may be covered up, you can take advice from your Speak Up Officer or raise a question through the Speak Up website at www.bupa.com/speakup.

5 Investigation and outcome

- 5.1 Once you have spoken up we will, as soon as possible, decide whether this or another Bupa policy/procedure (e.g. the Grievance Procedure) applies and how any investigation should be carried out.
- 5.2 In some cases we may ask either one person or a team of people to investigate your concern including colleagues with relevant experience or specialist knowledge of the subject matter. Any investigation will be carried out in a fair and timely way. We expect all of our people to co-operate fully, openly and honestly in relation to any investigation. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing/danger. We are committed to implementing such findings and recommendations.
- 5.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. The length of time needed to investigate will depend on the concern(s) raised. Please also be aware that sometimes the need for confidentiality may stop us from giving you specific details of the investigation or any disciplinary action taken as a result. At the end of the investigation process, we will inform you that the report has been closed and, where appropriate, inform you of any outcome. You should treat any information about the investigation as confidential.
- 5.4 We will aim to ensure all investigations are concluded within 30 days. However, prevailing circumstances (such as the complexity of the issues involved, capacity of investigators and availability of witnesses) may mean that investigations will conclude beyond this timeframe.
- 5.5 What can you do if you are not satisfied with the outcome?
 - We will always try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
 - If you are not happy with the way your concern has been handled you can raise it with either your Speak Up Officer or the Group Chief Legal Officer, Penny Dudley, contactable on penny.dudley@bupa.com.



7 Protection and support

- 7.1 We understand that people who speak up are sometimes worried that they will be treated badly because they have done so. We encourage openness and will support people who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 7.2 We also appreciate that being the subject of an investigation into a concern can be worrying and will provide appropriate support in these circumstances also.
- 7.3 We will not accept the unfair treatment (or victimisation) of any person who raises, is mentioned in, or takes part in the investigation of, a genuine concern. Unfair treatment includes dismissal, disciplinary action, bullying, threats and any other poor treatment connected with speaking up. If you feel that you have suffered any such treatment as a result of speaking up, you should inform your Speak Up Officer or the Group Chief Legal Officer. Any concerns raised will be thoroughly investigated, and any person found to have victimised someone who has spoken up will be subject to disciplinary action.
- 7.4 There are also important protections available to whistle-blowers under legislation. These protections are outlined at **Attachment A** to this policy.
- 7.5 When appropriate, a person being investigated will be provided with details of the report that involves them (to the extent permitted by law) and be given an opportunity to respond.
- 7.6 You must not threaten or react negatively against those who speak up or take part in the investigation of concerns in any way. If you are involved in such conduct you will be subject to disciplinary action.

8 Record keeping and privacy

- 8.1 Adequate and relevant records will be kept in accordance with our records retention policies and procedures. These may include but will not be limited to investigatory notes, witness statements, minutes of meetings, mails, notes of telephone calls and copies of correspondence. These records will be kept in an organised and confidential manner.
- 8.2 Your privacy is important to us. The personal information you provide in Speaking Up will be treated in the strictest of confidence and will be used for the purposes of investigating and addressing the issues you have raised. Subject to the confidentiality requirements set out at part 3 above, your responses will only be viewed by or disclosed to members of Bupa's People and management teams, and any persons engaged by us, or acting on our behalf in the investigation process, on a "need to know" basis. From time to time in undertaking the speak up process, we may disclose personal information to recipients located outside of Australia, including recipients located in the United Kingdom. When you are involved in this process, personal information collected by Bupa in respect of the speak up process will be collected, stored, used and disclosed in accordance with the Privacy Act 1988 (Cth) and Bupa's policies regarding privacy (see: <http://www.bupa.com.au/privacy-and-security>). Anonymised or aggregated data (which does not in any way identify you) may be used by Bupa, or disclosed to others, for research or statistical purposes. For information about how you may access your personal information or make a complaint, please refer to our Privacy Policy located at <http://www.bupa.com.au/privacy-and-security> or contact your Speak Up Officer. If you have any queries regarding the way Bupa handles your personal information, please contact your Speak Up Officer (details in Section 1.4 above).

9 Review

- 9.1 This policy will be reviewed annually by the Speak Up Officer or more often if required. In addition, the Speak Up Oversight Group (a group of Bupa employees – including Speak Up Officers – across the Bupa group) meets four times a year (and more frequently as required) to review the operation and effectiveness of this programme on an ongoing basis.





Attachment A - Summary of protections available under Australian law

1. Additional legislative protections

You are encouraged to speak up by following the process set out under this policy. However, the law offers protections in other cases (for example, you can report potential misconduct to people other than the persons outlined in this policy). If you make a “protected disclosure” under the law that does not comply with the Speak Up Policy, you will still be entitled to the legal protections.

Please contact your Speak Up Officer or the General Counsel if you would like more information about legal protections.

2. Protected disclosures

Certain information that is disclosed to certain people or organisations is protected by law. Examples of this information and recipients are outlined in the following table.

Information reported or disclosed	Recipient of disclosed information
<p>General disclosable matters</p> <ul style="list-style-type: none"> • Information about actual or suspected misconduct, or an improper state of affairs or circumstances in relation to Bupa A&NZ or its related bodies corporate. • Information that Bupa A&NZ or its related bodies corporate, or any officer or employee of Bupa A&NZ or its related bodies corporate, has engaged in conduct that: <ul style="list-style-type: none"> ○ contravenes or constitutes an offence against certain legislation (e.g. the <i>Corporations Act 2001</i> (Cth)); ○ represents a danger to the public or the financial system; or ○ constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more. <p>Note that “Personal Work-Related Grievances” are not protected disclosures under the law.</p>	<p>Recipients for any general disclosable matters</p> <ul style="list-style-type: none"> • A person authorised by Bupa A&NZ to receive protected disclosures – as set out in section 1.4 of the policy. • An officer or senior manager of Bupa A&NZ or its related bodies corporate. • An auditor, or a member of an audit team conducting an audit, of Bupa A&NZ or its related bodies corporate. • An actuary of Bupa A&NZ or its related bodies corporate. • ASIC or APRA. • A legal practitioner for the purpose of obtaining legal advice or legal representation.



Tax-related disclosable matters

- Information about misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of Bupa A&NZ or an associate, which the employee considers may assist the recipient to perform functions or duties in relation to the tax affairs of Bupa A&NZ or an associate.

Recipients for any tax-related disclosable matters

- A person authorised by Bupa A&NZ to receive reports of tax-related disclosable matters.
- An auditor, or a member of an audit team conducting an audit, of Bupa A&NZ entities.
- A registered tax agent or BAS agent who provides tax services or BAS services to Bupa A&NZ entities.
- A director, secretary or senior manager of a Bupa A&NZ entity.
- An employee or officer of Bupa A&NZ who has functions or duties that relate to the tax affairs of Bupa A&NZ entities.
- A legal practitioner for the purpose of obtaining legal advice or legal representation.

Further tax-related information

Information that may assist the Commissioner of Taxation to perform his or her functions or duties under a taxation law in relation to Bupa A&NZ or its associates.

Recipients for any further tax-related information

- Commissioner of Taxation.
- A legal practitioner for the purpose of obtaining legal advice or legal representation.

The law also protects certain disclosures made in “emergency” and “public interest” situations, in which case disclosures can be made to additional recipients by following a special process set out under law (such as journalists and members of Parliament). Please contact your Speak Up Officer or the General Counsel if you would like more information about emergency and public interest disclosures.

3. Specific protections and remedies

Additional legislative protections may also be available, including but not limited to:

- compensation for loss, damage or injury suffered as a result of detrimental conduct;
- an injunction to prevent, stop or remedy the effects of the detrimental conduct; and
- an order requiring an apology for engaging in the detrimental conduct;
- if the detrimental conduct wholly or partly resulted in the termination of an employee's employment, reinstatement of their position; and
- any other order the court thinks appropriate.

The law also states that if you make a protected disclosure:

- in some circumstances (e.g. if the disclosure has been made to a regulator) the information you provide is not admissible in evidence against you in criminal proceedings or in



proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information;

- you are not subject to any civil, criminal or administrative liability for making the disclosure; and
- no contractual or other remedy may be enforced or exercised against you the basis of the disclosure.



Supporting Information and Document Control

Standards

Related Standards:

- n/a

Guidance & Further Information

Related Guidance:

- Bupa Code

Related policies:

- Bupa ANZ Code of Conduct

All documents must be made accessible to relevant employees with the Functional Unit/ Business Unit Workplace page or supporting system such as BACA BMS.

Definitions

Speaking Up

Means to report a genuine concern about suspected or actual wrongdoing or dangers at work covered under this Policy by following the process outlined in Part 2 of this Policy.

Personal Work-Related Grievance means any grievance relating to a person's employment (or former employment) which has implications for the person personally.

Document Control

This Policy forms part of Bupa ANZ Policy Suite. The principle requirements in this Policy align to those set out in the Bupa Enterprise Speak Up Policy, applicable across the Bupa Group. Bupa ANZ have adopted the principles requirements and have included additional requirements for implementation across Bupa ANZ.

This Policy does not form part of the terms and conditions of employment unless specifically agreed otherwise by the Chief People Officer, Chief Risk Officer, and General Counsel.

Key Contacts

- **ANZ Local Policy Sponsor:** Maria Marinelli
- **ANZ Local Policy Owner:** Calum Cook

Approval Authority

- Maria Marinelli (ANZ Local Policy Sponsor) – 18 June 2020
- Calum Cook (ANZ Local Policy Owner) – 18 June 2020

Confidentiality

Company Internal: Should only be shared with third parties after agreement by the ANZ Local Policy Sponsor.

Version History Notes: Speak Up Policy has in the past been a standalone policy from the Enterprise version (as required by Bupa Group for each MU to establish its own Speak Up Policy) and approved by the General Counsel.

Current Version: V4 – ANZ localisation of Centre Enterprise Policy

Date Published: 21 June 2021

Date Effective from: 21 June 2021 **Date of Next Review:** April 2022

Prior Version: April 2020

Prior Published: April 2020