

**SUBJECT: WHISTLEBLOWER POLICY**

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## **1. STATEMENT**

Kärcher Australia Pty Ltd is committed to providing a safe environment whereby reporting of any misconduct is encouraged to be reported. In line with Part 9.4AAA, *Corporations Act 2001* (Clth), whistleblower protections will be afforded. Whistleblowers play an important role in identifying and calling out misconduct and harm to consumers within the community.

## **2. PURPOSE**

The purpose of this Policy is to:

- provide the protections available to whistleblowers under law;
- provide how you can make a disclosure and whom to;
- provide the responsibilities of Kärcher Australia in supporting and protecting whistleblowers;
- how investigations into a disclosure will proceed

## **3. SCOPE**

### **3.1 People**

The following people can make a disclosure within the Organisation:

- an employee or former employee of the Organisation, or one of its branches;
- an officer (members of the Leadership team) of the organisation; or
- a person who is (or was) a contractor, who has supplied goods or services to the company. This can be either paid or unpaid, and can include volunteers;
- a person who is (or was) a supplier to, or has (or had) a transaction with, an officer or employee of the Organisation or one of its branches;
- an employee (or former employee) of a supplier or person who had such a transaction; or
- a spouse, relative or dependant of one of the people referred to above;
- a lawyer on behalf of a discloser in one of the above categories.

AUTHORISED BY: <b>MANAGING DIRECTOR</b>	ISSUE DATE: <b>NOVEMBER 2019</b>	REVIEW DATE: <b>DECEMBER 2021</b>	VERSION: 1	PAGE: 1
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**SUBJECT: WHISTLEBLOWER POLICY**

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## **4. SUBJECT OF DISCLOSURE**

### **4.1 What is Disclosable Conduct**

You must have reasonable grounds to suspect that the information you are disclosing about the organisation concerns misconduct or an improper state of affairs or circumstances. This information can be about the company or an officer or employee of the company, engaging in conduct that:

- breaches the *Corporations Act* (Clth) 2001
- breaches other financial sector laws enforced by ASIC or APRA
- breaches an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months, or
- represents a danger to the public or the financial system.

'Reasonable grounds' means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.

### **4.2 What is not Disclosable Conduct**

For any issues regarding personal employment or workplace grievances such as interpersonal conflicts, or disciplinary decisions please refer to the *Personal Grievances and Dispute Resolution Policy*.

## **5. REPORTING DISCLOSABLE CONDUCT**

While you must make your disclosure to one of the people or organisations listed below, you can raise your concerns anonymously.

### **5.1 Who should I report my matter to?**

#### ***The Chief Integrity Officer***

Sometimes, a suspicion of wrongdoing may arise from a misunderstanding and is not in fact wrongdoing. Accordingly, you are encouraged to check with the Chief Integrity Officer to seek an immediate response as internal channels of reporting are favoured. Remember, in some instances, communication is restrained by confidentiality requirements or other legitimate reasons. However, where you believe the response to your matter raised is not appropriate, then alternative reporting mechanisms are available.

AUTHORISED BY: <b>MANAGING DIRECTOR</b>	ISSUE DATE: <b>NOVEMBER 2019</b>	REVIEW DATE: <b>DECEMBER 2021</b>	VERSION: 1	PAGE: 2
--	-------------------------------------	--------------------------------------	------------	---------

**SUBJECT: WHISTLEBLOWER POLICY**

Currently, Kärcher Australia's Chief Integrity Officer is our Chief Operating Officer. If there is ever any confusion, please consult with the Human Resources department to obtain the correct contact person.

*Please Note: In instances where you are external to the Organisation, you are encouraged to speak to your account manager (if you are a supplier).*

***Human Resources Department***

If you do not wish to raise the matter with the Chief Integrity Officer directly, you should consider raising the matter with the Human Resources department so they can assist you in relation to your matter.

***External Organisations***

If you do not feel comfortable to raise misconduct within the organisation, you can directly contact ASIC or APRA to make a disclosure. It is also permissible to make a disclosure to your lawyer.

**6. WHAT HAPPENS WHEN YOU REPORT DISCLOSABLE CONDUCT TO YOUR ORGANISATION**

When you report a matter of a legal breach or Disclosable Conduct under this Policy, you should provide as much information as possible. Information such as dates, times, location, individuals involved, other witnesses, physical evidence (e.g. documents, images) and any other general information may be helpful to assist the Organisation to determine how to take appropriate action.

Any information you provide to the Organisation may be used by the Organisation in assessment of an investigation or other appropriate action. Examples of actions could include:

- a satisfactory explanation can be provided in relation to the matter;
- the matter is resolved by speaking to one or more parties;
- the matter is recorded and monitored going forward;
- a decision is made to investigate (internally or via independent, external investigators);
- the matter is referred to another agency; or

AUTHORISED BY: <b>MANAGING DIRECTOR</b>	ISSUE DATE: <b>NOVEMBER 2019</b>	REVIEW DATE: <b>DECEMBER 2021</b>	VERSION: 1	PAGE: 3
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## SUBJECT: WHISTLEBLOWER POLICY

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- a combination of the above.

Where practicable, you will be contacted and advised of what action will be undertaken.

If the Organisation determines that your matter should be investigated, the investigation may be conducted by the Human Resources department, or by an external investigator appointed by the Organisation. All investigations will be conducted in a manner that is procedurally fair, confidential, conducted without bias and in a timely manner.

At the end of an investigation, you may be informed of the outcome of the investigation by the Organisation. The Organisation may in certain circumstances, whether required by law or in its discretion, inform ASIC, APRA, the Australian Federal Police or the relevant legal authority of any contents of the investigation.

## 7. HOW YOU ARE PROTECTED

### 7.1 Confidentiality

You can request that your whistleblower report is kept confidential, including any information that is likely to lead to your identification. It is in contravention of the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* for your identity to be concealed unless permission is given. Keeping your identity confidential could limit the breadth of the investigation, and this should be considered.

### 7.2 Protection from detriment

In line with the *Corporations Act (Clth) 2001*, it is a criminal offence and civil penalty for someone to cause or threaten detriment to you because they believe or suspect you have made, may have made, or could make a whistleblower disclosure. The criminal offence and civil penalty apply even if you have not made a whistleblower report, but the offender causes or threatens detriment to you because they believe or suspect you have or might make a report.

A person may be causing you detriment if they:

AUTHORISED BY: <b>MANAGING DIRECTOR</b>	ISSUE DATE: <b>NOVEMBER 2019</b>	REVIEW DATE: <b>DECEMBER 2021</b>	VERSION: 1	PAGE: 4
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**SUBJECT: WHISTLEBLOWER POLICY**

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- dismiss you from employment
- injure you in your employment
- alter your position or duties to your disadvantage
- discriminate between you and other employees of the same employer
- harass or intimidate you
- harm or injure you, including causing you psychological harm
- damage your property
- damage your reputation
- damage your business or financial position
- cause you any other damage

The offence and penalty require that the detriment be the result of an actual or suspected whistleblower disclosure.

## **8. FAILURE TO COMPLY WITH THIS POLICY**

Any breach of this Policy may result in disciplinary action, up to and including dismissal.

AUTHORISED BY: <b>MANAGING DIRECTOR</b>	ISSUE DATE: <b>NOVEMBER 2019</b>	REVIEW DATE: <b>DECEMBER 2021</b>	VERSION: 1	PAGE: 5
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