

**SWICK MINING SERVICES**

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# WHISTLEBLOWER POLICY

Swick Mining Services Limited (“Swick” or “Company”) is committed to ensuring it operates in a legal and ethical manner and our employees demonstrate expected moral behaviors at all times.

## Scope

Swick is committed to supporting a culture where all employees feel safe to speak up on matters that concern their work. This policy aims to provide clarity and a framework regarding safe reporting mechanisms, so that employees:

- are encouraged to express their concerns;
- know how to express those concerns;
- understand what will happen when they express their concerns; and
- feel safe in expressing their concerns.

Swick requires all staff (including casual and contract staff) to comply with this policy at all times. This policy applies to whistleblowers; who may be employees, an employee’s relative or spouse, former employees, contractors, auditors and directors.

Swick operates in multiple countries and is subject to applicable local laws. If any local laws are in any way inconsistent with this policy or impose a higher level of protection than this policy, those local laws take precedence in that jurisdiction to the extent of any inconsistency.

All Swick employees have a responsibility to help detect, prevent and report instances of suspicious activity or wrong doing, referred to as a Reportable Matter. Employees are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage to a Whistleblower Protection Officer and serious matters will then be escalated through to senior management.

## What is a Reportable Matter?

A Reportable Matter is any concern (actual or suspected) about the following conduct or the deliberate concealment of such conduct:

- Financial irregularity
- Corrupt conduct
- Fraudulent conduct
- Criminal conduct
- Failure to comply with any legal or regulatory obligations
- Unethical or other serious improper conduct
- Offence against any other law of the Commonwealth or applicable local laws

For the avoidance of doubt, a reportable matter does not include a matter that is trivial or a “personal work-related grievance” as these are generally related to grievances that relate to a staff member that have implications to that person personally and that do not have broader implications for the Company.

### **Making the Disclosure**

This policy applies where you make a disclosure of a Reportable Matter to:

**Whistleblower Protection Officer (WPO):**

Stuart Carmichael

Non-executive Director, Swick Mining Services Ltd

Mob: +61 498 777 841

Email: [whistleblower@swickmining.com](mailto:whistleblower@swickmining.com)

### **Whistleblower Protection Officers and their role**

A Whistleblower Protection Officer is a Senior Manager or Director appointed by the Company. The role of a Whistleblower Protection Officer is to:

- Seek to protect a whistleblower from retaliatory conduct
- Assist a whistleblower in maintaining their wellbeing
- Maintaining the whistleblowers confidentiality, where relevant, and where required by law
- Review and consider any complaints in breach of the protections afforded to a whistleblower under this Policy and any concerns that a whistleblower disclosure has not been dealt with in accordance with this policy
- Escalate any matter the Whistleblower Protection Officer considers appropriate to an appropriate external agency.

### **Confidentiality**

Whilst reports can be made anonymously if preferred, this may have practical limitations in conducting the investigation, affect the ability to investigate the matter properly and communicate with the whistleblower about their report.

- There are a number of exceptions to this principle, including where the use or disclosure is required to lessen or prevent serious threat to an Individual's health or life, or to public health and safety;
- the use or disclosure is required or authorised by law;
- the use or disclosure is reasonably necessary to assist a law enforcement agency in its law enforcement functions;

### **Action Required when a report is made**

The person who a whistleblower makes a report to under this Policy must do the following:

- Ensure that the matter is properly investigated by the person nominated for the purposes of this Policy as the Whistleblower Investigation Officer;
- The Investigator may be internal or external to Swick;
- Give the Managing Director and Board particulars of the report that has been made.

### **Investigation process**

The investigation process will vary depending on the precise nature of the conduct being investigated. The purpose of the investigation is to determine if the issue(s) raised is substantiated or not. The **Whistleblower Protection Officer** will carry out a preliminary review to determine the nature of the disclosure and determine if an investigation is warranted. It is worth noting that not all disclosures will lead to an investigation, each disclosure will be assessed and a decision made as

to whether it should be investigated further. If the Whistleblower Protection Officer decides that the allegations will be investigated, the Whistleblower Protection Officer will conduct or delegate the responsibilities for an investigation.

The intent of the investigation is to resolve any wrongdoing uncovered, as far as practicable in all the circumstances.

### **Whistleblower protection**

The Whistleblower Protection Officer will keep the whistleblower informed of the outcome of the investigation arising from their report, subject to considerations of privacy in relation to persons subject to the Reportable Matter and normal confidentiality.

Where a Whistleblower makes a disclosure regarding a Reportable Matter, Swick will take all reasonable steps to protect the individual from retaliatory conduct as a result of making the disclosure. These protections include protection from:

- Termination of employment
- Harassment, bullying or intimidation
- Personal or financial disadvantage
- Unlawful discrimination
- Harm or injury, including psychological harm
- Damage to reputation
- Any other conduct that constitutes retaliation

### **False Reporting**

When making a disclosure, a whistleblower is expected to have reasonable grounds to suspect the information they are disclosing or reporting is true. Should it be determined that the facts on which the whistleblower reported were unknowingly not accurate, the whistleblower will not suffer any detriment as a result. However, any deliberate false reporting of a Reportable Matter, whether under this Policy or otherwise will be treated as a serious disciplinary matter and may also result in legal consequences for an individual.

### **Complaints Procedure**

If an Individual wishes to complain about a breach of this policy then that complaint should be referred to the Human Resource and Administration Team Leader on (08) 6253 2360 or [hr.requests@swickmining.com](mailto:hr.requests@swickmining.com).

If the complaint cannot be resolved by Swick, the complaint can be referred to an appropriate agency.

Complaints will be handled impartially and as promptly as possible in the circumstances.

### **Breach of this Policy**

Material breaches of this Whistleblower Policy must be reported to the Board or a committee of the Board

Employees, consultants and contractors found to have breached this policy will be subject to appropriate disciplinary action, which may include termination of employment or engagement with Swick.