Whistleblower Policy

Overview

At Freshcare Ltd ("Freshcare"), we are guided by our company values. These values are the foundation of how we conduct ourselves and interact with each other, our members, clients, suppliers, certification partners, and other stakeholders. Freshcare is committed to ensuring corporate compliance and fostering a strong ethical culture, by observing the highest standards of integrity, accountability, and transparency in all aspects of our operations.

This policy sets out Freshcare's commitment to managing whistleblower disclosures fairly, respectfully and confidentially, in accordance with the **Corporations Act 2001 (Cth).**

A public version of this policy is made available to external stakeholders via the Freshcare website to ensure appropriate access to eligible disclosers.

Legal Framework

Freshcare Ltd is a registered charity with the **Australian Charities and Not-for-profits Commission (ACNC)** and is incorporated as a **company limited by guarantee**. As such, Freshcare remains subject to relevant provisions of the **Corporations Act 2001 (Cth)**, including **Part 9.4AAA – Protection for Whistleblowers**.

This policy aligns with those legal protections, which provide immunity from civil, criminal and administrative liability and protection against victimisation for eligible individuals who disclose certain types of misconduct.

Purpose

This policy ensures that concerns raised regarding misconduct or an improper state of affairs are handled appropriately, securely and in line with Freshcare's ethical standards and obligations under the Corporations Act.

Freshcare encourages disclosures about unethical, illegal, corrupt or undesirable conduct and will take all reasonable steps to ensure individuals who disclose such matters are protected from detriment.

Intended Audience – Eligible Whistleblower

This policy applies to any individual who is, or has been, connected to Freshcare in a paid, unpaid, contractual or voluntary capacity. This includes but is not limited to:

- Contractors, consultants, and service providers
- Certification Bodies and their personnel
- Participating Businesses and their staff or representatives
- Freshcare volunteers, interns, and students
- Former employees or representatives of any of the above

Definitions

- **Act**: Refers to the Corporations Act 2001 (Cth).
- **Disclosable Matters / Reportable Conduct**: Misconduct or an improper state of affairs that qualifies for protection under the Act.
- **Whistleblower**: An individual eligible to make a protected disclosure under this policy.
- **Whistleblower Protection Officer**: An individual appointed by the CEO to manage disclosures and ensure compliance.
- **Detrimental Conduct**: Any action causing harm or disadvantage to someone for making a disclosure, including dismissal, harassment, demotion, or reputational damage.
- **Eligible Recipient**: A person authorised to receive disclosures under the Act (e.g. CEO, senior manager, ASIC, ATO, legal practitioner).
- **Associate**: Any individual or entity with an operational or business relationship with Freshcare.
- **Participating Business**: A Participating Business is any business or organisation that:
  - Is currently certified under a Freshcare Standard,
  - Is in the process of achieving certification (e.g. preparing for audit), or
  - Was previously certified under Freshcare but is no longer actively participating.

  These businesses typically operate within horticultural production, supply chain, or other sectors aligned with Freshcare Standards.

Disclosable Matters (Reportable Conduct)

You may report a concern under this policy if you have reasonable grounds to suspect misconduct, including but not limited to:

- Dishonest, fraudulent or corrupt behaviour
- Illegal conduct (e.g. theft, violence, illicit drugs)
- Serious breaches of Freshcare's policies (e.g. Code of Conduct)
- Oppressive or negligent practices
- Conduct potentially damaging to Freshcare or others
- Risks to public safety, health or the financial system
- Harassment, bullying, discrimination or victimisation

Note: This policy refers to reportable conduct under the Corporations Act 2001 (Cth) and *does not* refer to reportable conduct schemes involving child protection matters.

What is *not* a Disclosable Matter?

Personal work-related grievances are not generally protected under this policy. These include:

- Workplace interpersonal conflict

- Employment terms or decisions (e.g. transfers, promotions)
- Performance management or disciplinary matters

These matters should be addressed through the appropriate Grievance Policy or HR processes.

Making a Disclosure

Internal Reporting

Disclosures may be made to either of the following Whistleblower Protection Officers:

Chief Executive Officer
Jane Siebum
T: 02 8039 9999
E: whistleblower@freshcare.com.au

Head of Support Services
Gabie Thompson
T: 02 8039 9999
E: whistleblower@freshcare.com.au

Identified or anonymous disclosures can also be submitted via the Freshcare website Whistleblower submission form.

External Reporting

If internal channels are not appropriate, disclosures can be made to:

- Regulatory authorities such as ASIC, ATO or the Fair Work Ombudsman
- A legal practitioner for the purpose of obtaining legal advice

Disclosures may be anonymous or identified. Either way, Freshcare will uphold the protections outlined in this policy and the Act.

Anonymity & Confidentiality

Disclosures may be made anonymously. If you choose to remain anonymous:

- You may use a pseudonym
- Freshcare may continue the investigation based on available information
- You may still be eligible for protection under the Act

Your identity (or information likely to identify you) will not be disclosed unless:

- You give consent
- It is legally required (e.g. to ASIC, ATO or AFP)

Freshcare will take all reasonable steps to protect anonymity and confidentiality, including:

- Redacting personal details
- Restricting access to records
- Avoiding shared systems or group emails
- Reminding staff of legal obligations around confidentiality

Investigation Process

All eligible disclosures will be assessed and, where appropriate, investigated by a suitable internal or external party appointed by a Whistleblower Protection Officer.

Where practicable, Freshcare will:

- Provide feedback on the investigation status
- Notify the subject of allegations and offer a chance to respond (where legally appropriate)
- Prepare a final report and retain it securely

Outcomes may be shared with relevant parties on a case-by-case basis, subject to legal limitations.

Protection from Detrimental Conduct

Freshcare prohibits any form of detrimental conduct towards a whistleblower.

This includes (but is not limited to):

- Dismissal or demotion
- Harassment, intimidation or discrimination
- Damage to professional reputation or employment prospects

If you experience detriment for making a disclosure, you may be entitled to compensation or remedies. Concerns should be reported immediately to a Whistleblower Protection Officer.

Support

Freshcare provides access to a confidential **Employee Assistance Program (EAP)** for any individual impacted by a disclosure:

TELUS Health
T: 1300 360 364 or 1800 835 871
W: www.freshcare.com.au/telushealth-eap

Policy Review Period

This policy will be reviewed every 3 years or as required due to changes in legislation or Freshcare direction. Freshcare may revise this policy at any time to reflect legal, regulatory or organisational changes. Policy changes must be endorsed by the CEO and ratified by the Board.