

Speak Up: Additional Protection



BlueScope is committed to supporting and protecting anyone who speaks up to report a genuine concern. In Australia, additional protections are available to those who qualify as a ‘whistleblower’.



Purpose

BlueScope is committed to supporting and protecting anyone who Speaks Up to report a genuine concern that BlueScope or any of its people have engaged, or are engaging, in improper, illegal or unethical conduct.

Australian law provides that, in some circumstances, there will be additional protections for people who report suspected misconduct.

The purpose of this Standard is to explain when you may be entitled to protection under Australian law.

Application

This Standard applies to any person who makes a disclosure which qualifies for protection under Australian law, regardless of whether that person is located in Australia.

This document should be read in conjunction with BlueScope’s [Speak Up Policy](#).

To understand more about your local laws, please contact your local Ethics & Compliance representative, make an enquiry at ethics@bluescope.com or seek independent legal advice.

References

1. PO-BSL-LGL-P-02-01 – Speak Up Policy

Qualifying for additional protection

You may be entitled to protection under Australian law if you report misconduct concerns:

- in Australia; or
- which relate to our Australian operations.

Subject to meeting all the conditions for protection under Australian law, you will be protected even if your disclosure turns out to be unsubstantiated.

Importantly though:

- reporters are not shielded from the consequences of their own involvement in any wrongdoing; and
- fabricated reports will not qualify for additional protection.

Who can I make a report to?

To qualify for protection under Australian law, your report must be made directly to:

- BlueScope's [Speak Up Hotline](#) (online or by email, phone, fax or post);
- your local [Ethics and Compliance representative](#);
- the Ethics & Compliance team, who can receive disclosures via ethics@bluescope.com;
- a member of the BlueScope Board;
- a member of the Executive Leadership Team;
- an auditor, or a member of an audit team, conducting an audit of BlueScope;
- an actuary of BlueScope;
- the Australian Securities and Investments Commission (**ASIC**) or Australian Prudential Regulation Authority (**APRA**);
- a legal practitioner that you contact to obtain legal advice or representation in connection with the operation of the additional protection provisions in the Corporations Act or the Tax Administration Act; or
- a journalist or parliamentarian *but only in specific circumstances* where the report is a 'public interest disclosure' or 'emergency disclosure'. These types of disclosures have specific meaning under the Corporations Act which you should review and understand before relying on either of them.

If your report relates to a breach of any Australian tax law or misconduct in relation to BlueScope's tax affairs the report may also be made to:

- the Commissioner of Taxation;
- a registered tax agent or Business Activity Statement agent engaged by BlueScope; or
- any other employee or officer who has functions or duties that relate to the tax affairs of BlueScope.

Do I need to be a BlueScope employee?

You do not need to be an employee of BlueScope to qualify for additional protection under Australian law.

Any of the following people may be entitled to protection for making a qualifying report under Australian law:

- a current or former officer or employee of BlueScope or its related entities. This includes directors, permanent or part-time employees, interns and secondees;
- a current or former supplier of goods or services to BlueScope or its related entities, or an employee of such a supplier. This includes volunteers, contractors and consultants; or
- a relative, dependant or spouse (or that spouse's dependants) of any of the above persons.

What must the report relate to?

To qualify for protection under Australian law, you must have reasonable grounds to suspect that the information you are disclosing is about misconduct or an improper state of affairs or circumstances in relation to BlueScope.

This description is intentionally broad. It covers conduct that is a breach of Australian law, but also conduct that represents a danger to the public or to the financial system.

Examples may include reports of fraud, bribery, negligence, breach of trust or duty, failure to comply with regulatory requirements, theft, drug use or threats of violence or damage against property.

If the report relates to a breach of any Australian tax law or misconduct in relation to BlueScope's tax affairs and:

- the disclosure is made to the Commissioner of Taxation, you must consider that the information may assist the Commissioner to perform his or her functions or duties under a taxation law in relation to BlueScope; or
- if the disclosure is made to a BlueScope recipient, you must have reasonable grounds to suspect that the information indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of BlueScope and that the information may assist the BlueScope recipient to perform functions or duties in relation to BlueScope's tax affairs.

What if my report is about a personal work-related grievance?

If your report relates *solely* to a personal work-related grievance, you will not be entitled to the additional protection which is described in this Standard. You may however be entitled to general protections under the *Fair Work Act 2009*.

Examples of reports that are only about personal work-related grievances include a decision that has been made about your application for a promotion, or a decision to terminate your employment. For concerns of this nature please contact your Manager, a member of BlueScope's People Team, or review the applicable [People policy](#).

There are a limited range of situations where a mixed report will qualify you for additional protection under Australian law (ie, a report about a personal work-related grievance that also encompasses a report of misconduct). For further details and a confidential discussion please contact your local Ethics & Compliance representative, the Ethics & Compliance team at Head Office by phone or at ethics@bluescope.com, or seek independent legal advice.

Protecting your confidentiality

You do not have to identify yourself to qualify for protection under Australian law. You can also choose to remain anonymous during any subsequent investigation (including refusing to answer any question that you feel may disclose your identity) and even after the investigation is finalised.

If you identify yourself when making a report that qualifies for protection under Australian law, your identity will be kept confidential unless one of these exceptions applies:

- you consent to the disclosure of your identity;
- the disclosure is made to ASIC, APRA or a member of the AFP; or
- the recipient of your report reveals your identity to their lawyer for the purpose of obtaining legal advice or representation about the operation of the whistleblower provisions in the Corporations Act or Tax Administration Act.

If it is reasonably necessary for the purpose of investigating the matter you have reported, information in your report about you (but not your identity) may be shared among a restricted number of people who are directly involved in investigating the reported misconduct. In those circumstances, all reasonable steps will be taken to reduce the risk that you will be identified.

Any person who discloses the identity of a person who makes a qualifying report, or information that is likely to identify that person, commits an offence (subject to the exceptions noted above).

If you think you have been identified in breach of the Corporations Act, you can lodge a complaint:

- with BlueScope via any of the channels in the 'Who can I make a report to' section of this document; or
- with ASIC, APRA or the ATO (as applicable),

or you can seek independent legal advice.

Protection from detriment

No one may cause any detriment, or threaten to cause detriment, to you on the basis that they believe or suspect that you, or any other person, made or may have made or proposes to make or could make a report that qualifies for protection under Australian law.

For example, you cannot be threatened with the loss of your job for making a report. Similarly, no-one can harass you or damage your reputation because they believe, suspect or know that you have made a report, or because they want to prevent you (or some other person) from making a report.

Any person who engages in detrimental conduct commits an offence.

However, it is not detrimental for administrative action to be taken to protect you from detriment. For example, moving you to a new team where you have made a disclosure about the conduct of a person(s) in your team may not be detrimental. It is also not detrimental to initiate or pursue performance management steps if this is warranted for reasons separate to your qualifying report.

If:

- because of a report there is detrimental conduct directed towards you (or some other person) causing loss, damage or injury; and
- BlueScope is found not to have taken reasonable precautions and exercised due diligence to prevent the detrimental conduct,

you may be entitled to compensation or other remedies under Australian law.

You should seek independent legal advice if you think you are entitled to compensation or other remedies.

Other protections

If you make a report that qualifies for additional protections under Australian law:

- you cannot be subject to any civil, criminal or administrative liability (including disciplinary action) for making the report;
- no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against you based on the report; and
- the information you disclose cannot be used 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.

Prepared by:	Checked by:	Authorised by:	Registered by:	Summary of Changes:
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We value inclusion and encourage our People to share their ideas and feedback. We are committed to fostering a culture of speaking up when something isn't right.

