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Dear Andivia & Greg,

Thank you for the opportunity to participate in the Whistleblower (WB) consultation process.

Whistleblowing never ends well for the brave soul that could no longer “turn a blind eye”.

It is rare that the WB can remain employed within the company they were trying to fix. WB's often have difficulty finding new employment as they are maligned, after they “leave”, by the HR department whose purpose, it seems these days, is to cover the tracks of the perpetrator employer.

WB's are brave and honest employees, always with the best of intentions. WB's are those who have cared enough about the business, their fellow employees and clients to speak up - but what follows is that they are usually threatened, silenced, paid out and then shown the door *for what, being honest!?*

WB's have no voice, no support, no power or resources to fight back. The WB is subjected to unimaginable levels of stress when, in fact, they should be celebrated and rewarded by management for identifying serious business risk issues.

Even WB's who have sought legal advice are told by their counsel to take the deal and leave as it is not worth the stress. Most WB's are forced to sign a non-disclosure contract (NDC) by the HR department and then dismissed for non-cultural alignment - which is the new way of terminating staff who highlight a wrong in the workplace.

That workplaces need formal WB policies and procedures shows that Corporate Australia is dysfunctional. A great first step would be to review the whole NDC process that people are forced to sign when they “leave”- this then shines a light on those Companies who are trying to silence people, *as we all know*, silence only protects the perpetrators.

A very simple but effective idea would be for ASIC to ensure all Companies and Superannuation Funds disclose in their Annual Reports staff turnover numbers and to report the number of non-disclosure contracts (NDC) in place with regards to resignations or terminations, such as:

New Employees for the financial year - 35
Resignations, Terminations, Retrenchments and Retirements for the financial year – 26
Non-Disclosure Contracts (NDC) in place for the financial year – 12

This does not breach any privacy rules and would give Boards a clearer picture of staff turnover numbers - not the sanitised version usually presented to the Board by HR. It would also ensure that Board Members are made aware that staff are being forced to sign an NDC and that company funds and, especially in the case of Industry Funds, that superannuation members monies are being used to pay out and silence employees.

Publishing staffing numbers and staff turnover would also be beneficial to any new employee or potential investors as the NDC tally would red flag that the Company has high staff turnover numbers, and hopefully questions would be asked “*why*”??

The secondary effect of forcing “leaving” staff to sign a NDC is that the remaining staff members become subservient (which is understandable as they have mortgages to pay and families to care for) but then, problems become greater, not that the remaining staff don’t care, it is just they are afraid to question anything as they have seen how others are treated when they speak out.

Not trying to sound dramatic but a great mini-series to watch is *Chernobyl* on Foxtel – it shows how innocent people are put into compromising positions, that Boards are fed misinformation and that the perpetrators (usually senior management) live whilst the well-meaning and honest employees get put to the sword and then, all the issues and lies don’t come to light until it is too late and it all blows up.

Kind regards and thank you

Liz Haldane