



Hardcat Pty Ltd Whistleblower Policy

Good commercial practice and ethical behaviour

V2.0 14 February, 2022



1. Purpose and availability of policy

- a. Hardcat Pty Ltd is committed to a culture of good commercial practice and highly ethical behaviour.
- b. This policy deals with issues relating to those employees (or others) who wish to raise issues about whether Hardcat Pty Ltd or its employees have complied with applicable laws and other standards of behaviour (such as Hardcat Pty Ltd's policies or codes of conduct).
- c. This policy is available on <https://www.hardcat.com/about-us/>.

2. Application

- a. This policy applies to all current and former employees, volunteers and suppliers of Hardcat Pty Ltd. Other persons (such as third-party contractors, customers, relatives, dependants or dependants of spouses of any employee) may use the procedures in this policy.
- b. In this policy, the people this policy applies to are referred to as an "eligible person" (Eligible Person).

3. Objectives

The objectives of this policy are to:

- a. encourage every Eligible Person to disclose any malpractice, misconduct or conflicts of interest of which they become aware;
- b. provide protection for every Eligible Person who discloses allegations of malpractice, misconduct or conflicts of interest; and
- c. indicate when such disclosures will be investigated.

4. Policy

4.1. Whistleblower protection

- a. This policy is designed to give guidance so that honesty and integrity are maintained at all times at Hardcat Pty Ltd.
- b. To the maximum extent practicable, a person who genuinely discloses an allegation or concern about compliance with laws or other standards of behaviour (Whistleblower) will be protected from any adverse action (such as dismissal, demotion, suspension, harassment, or other forms of discrimination) because they have raised such allegations. Subject to this policy, a Whistleblower is protected, even if the allegations prove to be incorrect or unsubstantiated (although a person who maliciously or vexatiously makes disclosures or makes false disclosures may be subject to disciplinary action).
- c. Employees who participate, or assist in, an investigation involving reportable conduct will also be protected. Every effort will be made to protect the anonymity of the Whistleblower, however, there may be situations where anonymity cannot be guaranteed. In such situations, the Whistleblower will be informed.

4.2. Reportable conduct

- a. Reportable conduct that can be the subject of a protected Whistleblower report is anything the Eligible Person has reasonable grounds to suspect concerns misconduct or an improper state of affair or circumstances.
- b. Examples of things that may be considered misconduct or an improper state of affair or circumstances include:

- i. dishonesty;
- ii. fraud;
- iii. corruption;
- iv. illegal activities (including theft, drug sale/use, violence, threatened violence, or criminal damage against Hardcat Pty Ltd assets/property);
- v. discrimination, vilification, sexual harassment, harassment, bullying and victimisation;
- vi. acts or omissions in breach of commonwealth or state legislation or local authority by-laws;
- vii. unethical behaviour;
- viii. other seriously improper conduct (including gross mismanagement, serious and substantial waste of Hardcat Pty Ltd resources, or repeated breaches of administrative procedures);
- ix. unsafe work practices;
- x. any other conduct which may cause financial or non-financial loss to Hardcat Pty Ltd or be otherwise detrimental to the interests or reputation of Hardcat Pty Ltd, or any of its employees; or
- xi. the deliberate concealment of information tending to show any of the matters listed above.

4.3. Conduct that is not reportable

This policy does not apply to:

- a. personal work-related grievances;
- b. health and safety hazards; or
- c. general employment grievances and complaints by a person about their own employment or situation.

5. How to speak up about reportable conduct

- a. Any person who has reasonable grounds to suspect that reportable conduct as defined in clause 4.2 or a breach of a law or other standard of behaviour has occurred, is encouraged to report that suspicion to that person's manager. If this is considered inappropriate, that person should raise the concern with Alf Barbone(abarbone@hardcat.com), by phone or email, or in writing. Any items of concern may also be raised with Alf Barbone.
- b. All disclosures should provide specific, adequate and pertinent information with respect to, among other things, dates, places, persons, witnesses, amounts, and other relevant information, in order to allow for a reasonable investigation to be conducted.
- c. If the Whistleblower's name disclosed in the disclosure, the person receiving the disclosure will acknowledge having received the disclosure and may initiate a follow-up meeting. However, if the disclosure is submitted on an anonymous basis, there will be no follow-up meeting regarding the disclosure and Hardcat Pty Ltd will be unable to communicate with the Whistleblower if more information is required, or if the matter is to be referred to external parties for further investigation.
- d. All disclosures received will be dealt with on a confidential basis and Whistleblowers are encouraged to disclose their identities, to obtain the protection afforded to them at law.

6. Confidentiality and anonymity

- a. Hardcat Pty Ltd recognises that maintaining appropriate confidentiality is crucial in ensuring that potential Whistleblowers come forward and make disclosures in an open and timely manner and without fear of reprisals being made against them.
- b. Hardcat Pty Ltd will take all reasonable steps to protect the identity of the Whistleblower and will adhere to any statutory requirements in respect of the confidentiality of disclosures made. In appropriate cases, disclosure of the identity of the Whistleblower, or the allegation made by them, may be unavoidable, such

- c. as if court proceedings result from a disclosure pursuant to this policy or there is a threat to life or property or if the company has an obligation to do so.

7. How the company actions a Whistleblower report

- a. Once a disclosure has been received from a Whistleblower, Hardcat Pty Ltd will consider the most appropriate action. This might include an investigation of the alleged conduct, either by an appropriate person or a group of people, such as a committee.
- b. Any investigation in relation to a disclosure will be conducted promptly and fairly, with due regard for the nature of the allegation and the rights of the persons involved in the investigation.
- c. Any evidence gathered during an investigation, including any materials, documents or records, must be held by the investigator, and held securely.
- d. During the investigation, the investigator will have access to all of the relevant materials, documents, and records. The directors, officers, employees and agents of Hardcat Pty Ltd must cooperate fully with the investigator.
- e. Following the investigation, a final report will issue and appropriate action taken where applicable.

8. Support and protection of an Eligible Person following a report

When the policy will operate

This policy protects the Whistleblower against any reprisals, provided that the Whistleblower identifies himself or herself to Hardcat Pty Ltd, and the disclosure is:

- a. reportable conduct under clause 4.2 of this policy;
- b. submitted in good faith and without any malice or intentionally false allegations;
- c. based on the Whistleblower's reasonable belief that the alleged conduct, or issue related to the alleged conduct constitutes, or may constitute, a material breach of a law or other standard of behaviour; and
- d. does not result in a personal gain or advantage for the Whistleblower.

No reprisals

- a. The company will not take any adverse action against a Whistleblower because they have made a disclosure, which meet the above-mentioned conditions, unless the Whistleblower is a participant in the prohibited activities with respect to which the complaint is made.

- b. If the Whistleblower was involved in the conduct, which was the subject of the disclosure, the fact that the Whistleblower has made the disclosure may be taken into account in determining the severity of the disciplinary measures, if any, that may eventually be taken against such Whistleblower.
- c. Any reprisals against a Whistleblower are a serious breach of this policy and may result in disciplinary action, including dismissal. This protection applies to anyone providing information related to an investigation pursuant to this policy.
- d. While it is the right of the Whistleblower to remain anonymous, if the Whistleblower does not identify themselves and requires complete anonymity, it will be hard for Hardcat Pty Ltd to protect them.

9. Communications to the Whistleblower

Hardcat Pty Ltd will ensure that, provided the disclosure was not made anonymously, the Whistleblower is kept informed of the outcomes of the investigation of the allegations, subject to the considerations of privacy of those against whom allegations are made.

10. Review of policy

Hardcat Pty Ltd will periodically review this policy and update it as required.

11. Further information and advice

For further information, refer to other related policies or contact Alf Barbone (abarbone@hardcat.com).