



engineering
new zealand
te ao rangahau

EXTERNAL PROTECTED DISCLOSURES POLICY

The Protected Disclosures Act 2002 (the Act) is a law that helps employees to report serious wrongdoing happening in their workplace, without having to worry that detrimental action will be taken against them.

Engineering New Zealand is an Appropriate Authority for the purposes of the Protected Disclosures Act 2000 (the Act). This means that, in certain circumstances, Engineering New Zealand may be able to offer people certain protections when they raise serious concerns about the actions of their employer or former employer.

Who can make a disclosure

To make a protected disclosure, you must be an 'employee' of the organisation (your workplace) you are making the disclosure about, this includes:

- former employees;
- secondees;
- contractors;
- homeworkers;
- those concerned in the management of the organisation, ie Board members;
- volunteers.

When can you make a disclosure

If you are an employee and have experienced or witnessed serious wrongdoing in your workplace, you can make your protected disclosure in accordance with your workplace policy.

You can make a disclosure to Engineering New Zealand if you believe, on reasonable grounds, that:

- the head of your workplace (usually a Chief Executive) is or may be involved in the serious wrongdoing;
- disclosure is justified because of the urgency of the matter to which the disclosure relates, or some other exceptional circumstances; or
- you've already made the disclosure within your workplace, but there's been no action or recommended action within 20 working days.

What is serious wrongdoing

Serious wrongdoing has a particular meaning under the Act. It does not apply to all possible wrongdoing that an employee might see and think about reporting.

Different types of serious wrongdoing depend on whether you are working in the public sector or the private sector:

Public and private sector	Public sector only
Conduct that seriously risks public health, safety or the environment.	Unlawful, corrupt or irregular use of funds or resources
Conduct that seriously risks the maintenance of the law, including the right to a fair trial, and the prevention, investigation and detection of offences.	Conduct by an official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.
Crimes and offences.	

Issues like general dissatisfaction with executive leadership or the way the organisation is run, or minor infringements, may not be covered. It is also not intended to cover employment issues.

If you are unsure about whether the information you want to disclose relates to serious wrongdoing, you can contact the Ombudsman for advice.

When a disclosure is protected

Your disclosure will be protected if:

- the information is about serious wrongdoing at work;
- you believe on reasonable grounds that the information is true or likely to be true; and
- you want the serious wrongdoing to be investigated.

Your disclosure won't be protected if:

- you know the allegations are false, or you act in bad faith; or
- the information you're disclosing is protected by legal professional privilege.

Legal professional privilege means information that is confidential legal advice. It might be emails, memos or reports written by a lawyer in your workplace, or a lawyer who was advising your workplace.

It is important that when you make your disclosure, you believe on reasonable grounds that the information is about serious wrongdoing and is true, or likely to be true. If you are genuinely mistaken, the Act will protect you anyway.

How you'll be protected

When you make a protected disclosure, you will be protected in the following ways:

- your disclosure will be kept confidential;
- you will be protected from civil and criminal proceedings;

- you will be protected from retaliatory action or disadvantage at work and can take a personal grievance if this happens; and
- you will be protected by the anti-victimisation provisions of the Human Rights Act 1993.

When you make a protected disclosure, we will use our best endeavours not to disclose any information that would identify you, unless one of the exceptions in the Act applies.

The exceptions are if you consent to the disclosure, or if disclosure is essential:

- to the effective investigation of the allegations;
- to prevent serious risk to public health or safety, or the environment; or
- to comply with the principles of natural justice.

You might be thinking about making an anonymous protected disclosure. If you are, it is important to think about whether we will be able to investigate the information if we do not know who you are or cannot ask you further questions.

Before making a disclosure

You can ask the Ombudsman or Engineering New Zealand for information or guidance by email or phone. Your enquiries will be treated in confidence.

If your disclosure relates to someone who is not a Chartered Professional Engineer or a member of Engineering New Zealand, we may not be the Appropriate Authority. If we aren't the Appropriate Authority to deal with type of disclosure you want to make, we will let you know. You can also call us to discuss this before making your disclosure.

The Ombudsman
0800 802 602

info@ombudsman.parliament.nz
www.ombudsman.parliament.nz

Legal Manager, Engineering New Zealand
04 460 3571

concerns@engineeringnz.org

How to make a disclosure

When making your protected disclosure, you should disclose the information that you honestly believe shows the wrongdoing that you are alleging. Think about what documents or evidence you can provide to support this. Try to keep your disclosure clear and factual.

You can make your disclosure by completing the attached form and emailing it to the legal team at concerns@engineeringnz.org.

PROTECTED DISCLOSURES ACT: DISCLOSURE OF SERIOUS WRONGDOING

Name

Date

What is the serious wrongdoing in question?

Please give full details. If there is insufficient space provided, please attach extra pages.

When did it occur and over what period of time?

When did you become aware of this?

What else do you know in relation to this matter which would help the investigation?

DECLARATION

I state that the above information, provided in accordance with the Protected Disclosures Act, is true and correct to the best of my knowledge.

Signature _____

Date _____

Email your completed form to our legal team at concerns@engineeringnz.org