

Whistleblowing Policy

Introduction

Briggs Equipment Ireland Limited and all its direct and indirect subsidiaries (“BEIL”) is committed to the principle of accountability and to developing a workplace culture where employees are encouraged to raise their concerns about what is happening at work if they have a reasonable belief of wrongdoing. It is of critical importance to Briggs Group to create a two-way trustworthy environment where all colleagues are actively encouraged to raise concerns about wrongdoing or suspected wrongdoing. Briggs Group are committed to doing the right thing to operate a successful and ethical business.

Protected Disclosure legislation is designed to empower workers to speak up about wrongdoing in their workplace without fear of reprisal from their employer or a third party. The BEIL whistleblowing policy details the procedure established by the organisation for facilitating its employees in making a Protected Disclosure and for dealing with such disclosures.

Definition

Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the relevant company is responsible for or has taken part in some wrongdoing.

Scope

BEIL is committed to conducting its business lawfully and we expect all employees to maintain high standards in that regard. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal conduct. A culture of openness and accountability is essential to prevent such situations from occurring and to address them when they do occur.

Purpose

The purpose of this policy is:

- To encourage reporting of suspected wrongdoing as soon as possible, in the knowledge that concerns will be taken seriously and investigated as appropriate, and that the reporter's confidentiality will be respected;
- To provide guidance as to how to raise such concerns;
- To reassure reporters that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken;
- To give effect to the obligations and provisions of the protected disclosure legislation.

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

Qualifying disclosures

A protected disclosure is a disclosure of “relevant information” by a worker, which in their reasonable belief, tends to show one or more relevant wrongdoings, which came to their attention in a work-related context and is disclosed in the manner outlined in the Protected Disclosures (Amendment) Act 2022.

Definition of “relevant wrongdoing” A relevant wrongdoing includes:

- criminal offences
- failure to comply with any legal obligation (other than one arising out of a worker’s contract of employment or contract for services)
- a miscarriage of justice
- endangerment of an individual’s health or safety
- damage to the environment
- unlawful or improper use of funds or resources by a public body

- breaches of European Union law set out in the 2022 Act above
- concealment or destruction of evidence relating to any of the above wrongdoings.

These acts can be in the past, present or future, so that, e.g. a disclosure qualifies if it relates to environmental damage that has happened, is happening or is likely to happen. The relevant company will take any concerns that you may raise relating to the above matters very seriously.

A person who makes a protected disclosure is a person who raises a concern relating to any of the above based on a reasonable belief. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a protected disclosure concern) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances such as your terms of employment or the way you have been treated at work. In those cases, you should use the Grievance Procedure. For the avoidance of doubt, this policy is not designed to address interpersonal grievances or conflicts.

If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out above (e.g. a breach of our internal policies), you should discuss with the Protected Disclosure Officer (contact details at the end of this policy) which route is the most appropriate.

Should the concern not meet the requirement to be a qualifying disclosure, you should raise this under the Grievance Policy. Where a concern is raised under the whistleblowing policy where it is not appropriate to do so, i.e. it relates to a personal grievance, the receiving manager will confirm that the matter will be addressed under the Grievance Policy.

Those protected under this protected disclosure policy

This policy applies to employees, prospective employees involved in the recruitment process or contract negotiations and ex-employees of BEIL.

Making a Protected Disclosure

We hope that in many cases you will be able to raise any concerns with your line manager or a member of the HR team. You may tell them orally or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Protected Disclosure Officer. However, where the matter is more serious, or you feel that it has not been addressed appropriately through the above routes, or you prefer not to raise it with them for any reason, you should contact the Protected Disclosure Officer – contact details are listed below for your information.

In response to a Protected Disclosure

A designated person, who may be the Protected Disclosure Officer or such other person or persons as the Organisation may designate, will follow up on your disclosure and maintain communication with you. Regular training and coaching will be provided to all managers and other staff who may deal with concerns or investigations under the policy. The designated person will respond to all concerns raised under this policy. An acknowledgement of any disclosure received will normally be made within seven calendar days.

We will carry out an initial assessment, which may include seeking additional information from you. If, having carried out such an initial assessment, we may decide that there is no prima facie evidence that a relevant wrongdoing may have occurred. In that event, we will notify you as soon as practicable of that decision and the reasons for it and the procedure will be closed. If appropriate, we may refer you to such other procedure such as a grievance procedure as may be applicable.

If, having carried out such an initial assessment, we decide that there is prima facie evidence that a relevant wrongdoing may have occurred, we will take appropriate action to address the relevant wrongdoing, having regard to the nature and seriousness of the matter concerned.

We may, as necessary, arrange a further meeting or meetings with you to discuss your concern. You may bring a colleague to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and the process undertaken. In some cases, we may appoint an investigator with relevant experience of investigations or specialist knowledge of the subject matter.

We will provide feedback to you within a reasonable period and no longer than three months from the date of acknowledgement of your disclosure. Further feedback will, as necessary, be provided at intervals of three months until the procedure is closed. Once the investigation is completed you will be notified in writing of the outcome subject to confidentiality and legal privilege.

Disclosures may, in light of the seriousness of the allegations, be referred to the appropriate authorities or such prescribed person under legislation as may be appropriate.

In circumstances where an investigation does not conclude that any relevant wrongdoing has taken place or where the person making the disclosure is mistaken or unaware of all the facts surrounding the issues raised, the Protected Disclosure Officer will explain that the concerns are unfounded which will be confirmed in writing.

Sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If you make a report in accordance with this policy, but the information or allegation is subsequently not confirmed by the investigation, no action will be taken against you. You will be fully protected from any less favourable treatment, penalisation or victimisation.

If we conclude that a protected disclosure has been formed upon false allegations of a malicious nature, you may be subject to disciplinary action.

Confidentiality

We hope that you feel able to voice protected disclosure concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. Disclosures will be kept secure and in a form that does not endanger the confidentiality of the person making the disclosure.

The focus will always be on the information in the disclosure rather than the identity of the person making the disclosure. The identity of the person making the disclosure may need to be revealed if it is necessary for the investigation and in accordance with the principles of natural justice and fair procedures. Should this requirement arise, we will discuss this with you.

We do not encourage persons to make disclosures anonymously. While we will make a reasonable effort to investigate anonymous disclosures, you should be aware that proper investigation may be more difficult or impossible if we cannot meet with you or obtain further information from you. It is also more difficult to establish whether any allegations are credible. A person who makes a Protected Disclosure and who is concerned about possible reprisals if their identity is revealed may come forward to the Protected Disclosure Officer or one of the other contact points listed and appropriate measures can then be taken to preserve confidentiality.

Protection against detrimental treatment

All employees who raise matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure.

We understand that persons who raise concerns in respect of protected disclosures are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns under this policy, even if they turn out to be mistaken. Direct or indirect pressure on someone not to make a disclosure or to make a disclosure contrary to this policy will not be tolerated.

We recognise that penalisation can take many forms; it can be direct and indirect and may be perpetrated by fellow workers, the management or those who supply us with goods and services and our customers and clients.

Examples of penalisation include any unfair or adverse treatment (whether acts of commission or omission) that result in the employee suffering any unfavourable change in their conditions of employment including (but not limited to):

- suspension, lay-off or dismissal;
- demotion, loss of opportunity for promotion or withholding of promotion;
- transfer of duties, change of location of the place of work, reduction in wages or change in working hours;
- the imposition or administering of any discipline, reprimand or other penalties (including a financial penalty);
- coercion, intimidation, harassment or ostracism;
- discrimination, disadvantage or unfair treatment;
- injury, damage or loss;
- threat of reprisal.

Penalisation or threats of penalisation by members of staff will not be tolerated. If you believe that you have suffered any such treatment, you should inform the Protected Disclosure Officer, your line manager or the HR Department immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

It is not acceptable to threaten or retaliate against an employee who has made or wishes to make a protected disclosure in any way. Such behaviour may constitute misconduct and you may be subject to disciplinary action up to and including dismissal.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any suspected wrongdoing in the workplace. In most cases, you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external.

Protected Disclosure concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer or client, supplier, or service provider. In some circumstances, the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, in line with this policy.

Variation

As with all policies, we reserve the right to reasonably vary and update this policy from time to time including due to changes in the law or to ensure best practice.

Contact and advice points

Protected Disclosure Officer details:

Phone: 0044 1543 430100

Email: pdo@briggsequipment.co.uk