

Asia Pacific Whistleblowing Landscape

BENCHMARKING & BEST PRACTICES

APPENDIX OF FIGURES



Research Methodology

From January to March 2022, Acuris Studios, the publishing division of Acuris, canvassed the opinions of 523 senior executives from companies in Asia Pacific.

The respondents were evenly split across the following jurisdictions: Australia, Mainland China, Hong Kong, Singapore and Japan.

Respondents were also evenly split by the following sectors: Healthcare & Life Sciences (HLS); Financial Institutions (FI); Technology, Media and Telecoms (TMT); Energy, Mining and Infrastructure (EMI); Consumer Goods and Retail (CGR); Industrials, Manufacturing and Transportation (IMT).

Key Contacts

If you have any questions about the report or would like to dive deeper into jurisdictional and sectoral data, please contact any of our key contacts below.



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* FenXun established a joint operation office with Baker McKenzie in China as Baker McKenzie FenXun, which was approved by the Shanghai Justice Bureau in 2015.



Appendix of Figures

The following graphs show data collected for the purposes of the Asia Pacific Whistleblowing Landscape: Benchmark and Best Practices report. Jurisdictional and sectoral data are also available for benchmarking. Please contact us below for a conversation tailored to your business needs.

Figure 1. Which of the following jurisdictions and continents does your organization have offices in? (Select all that apply)

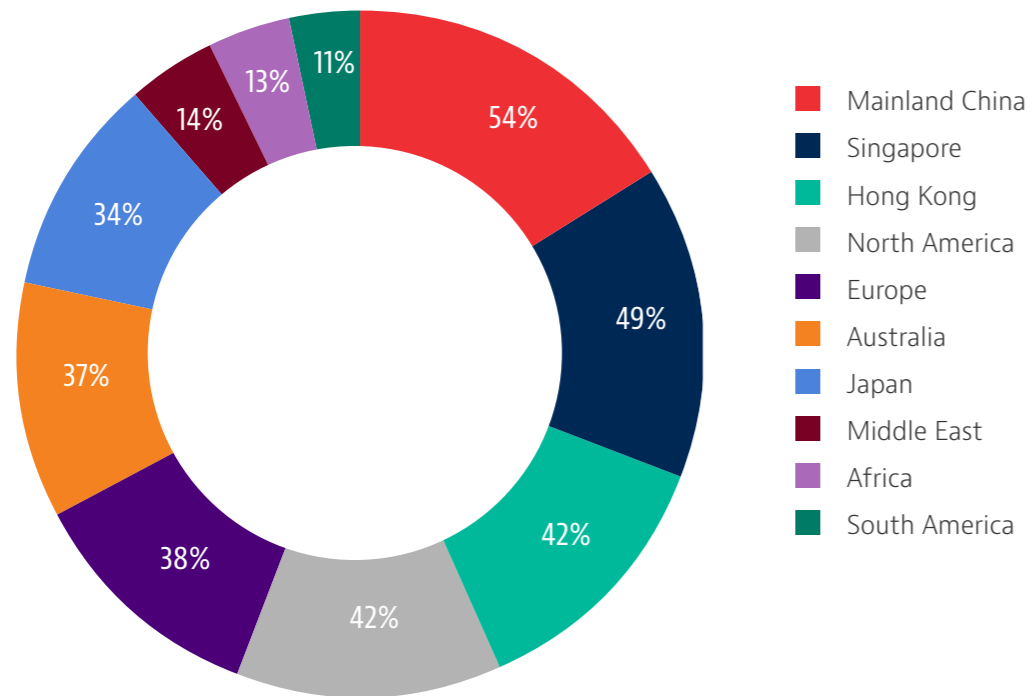


Figure 2. Which industries are represented within your companies' operations? (Select all that apply)

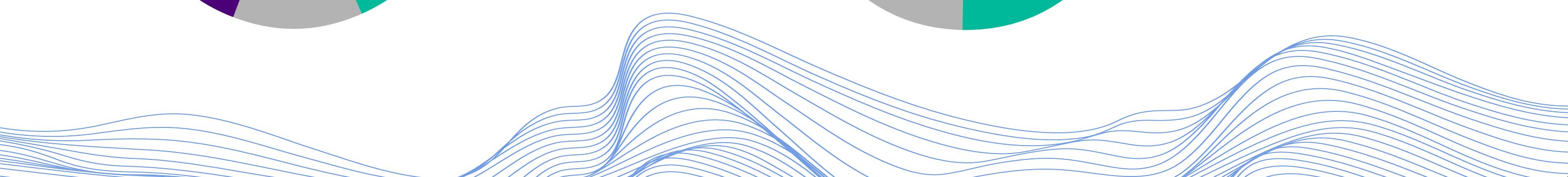
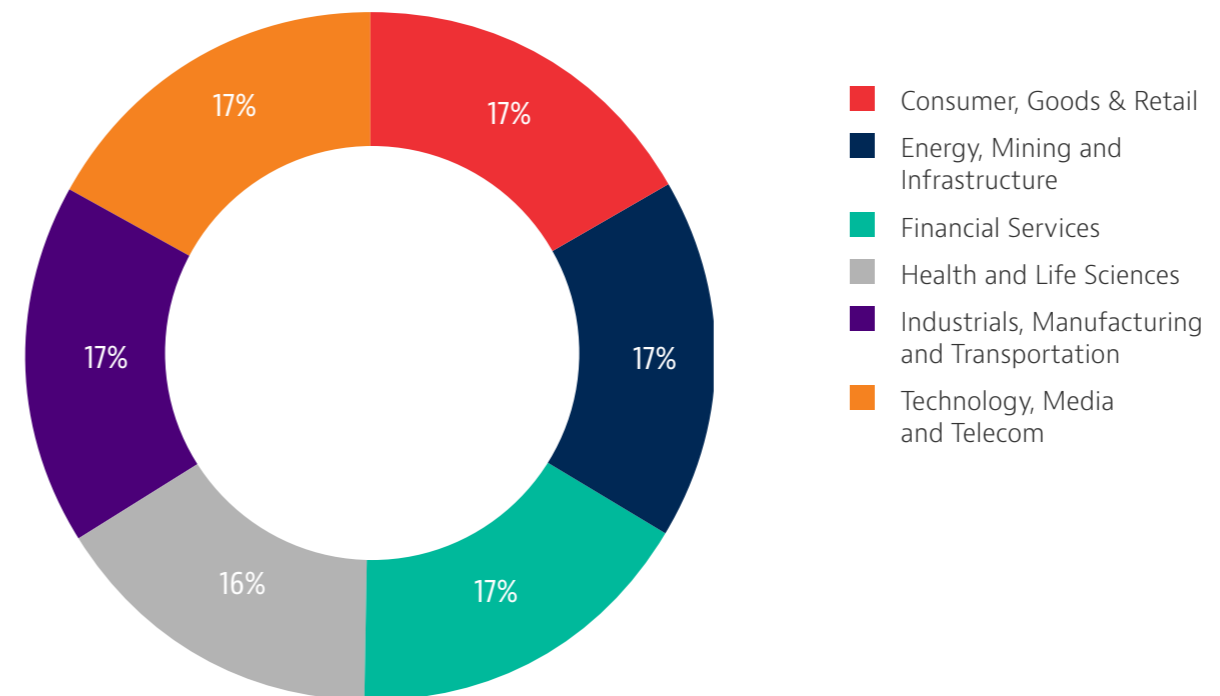




Figure 3. How many people does your organization currently employ globally? (Select one)

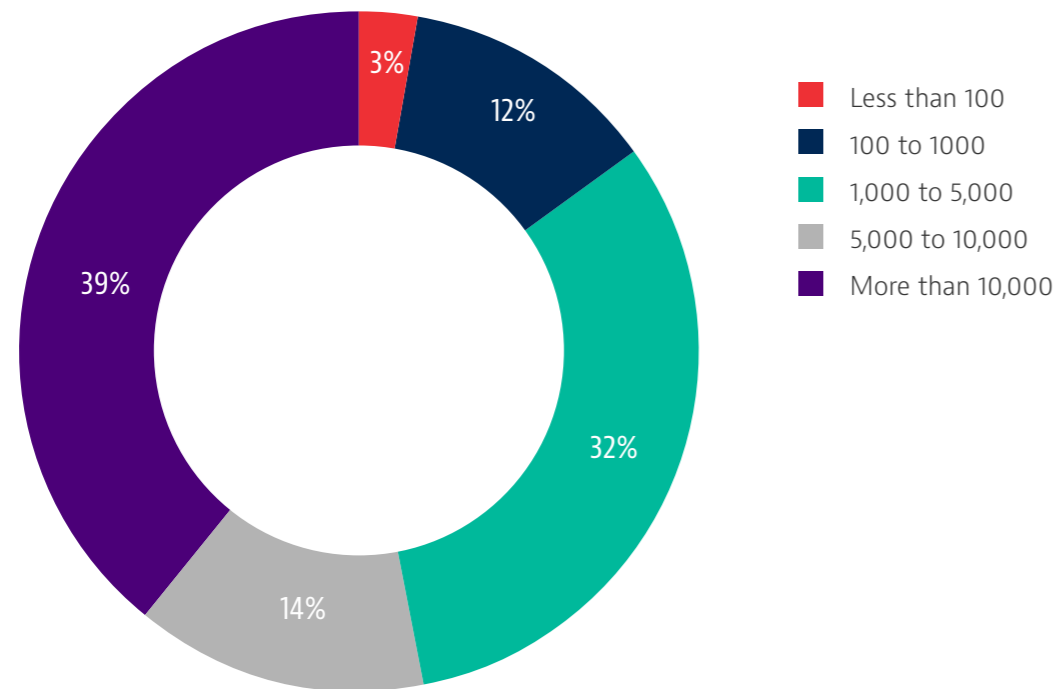


Figure 4. What whistleblowing measures do you have in place in your organization? (Select all that apply or none if not applicable)

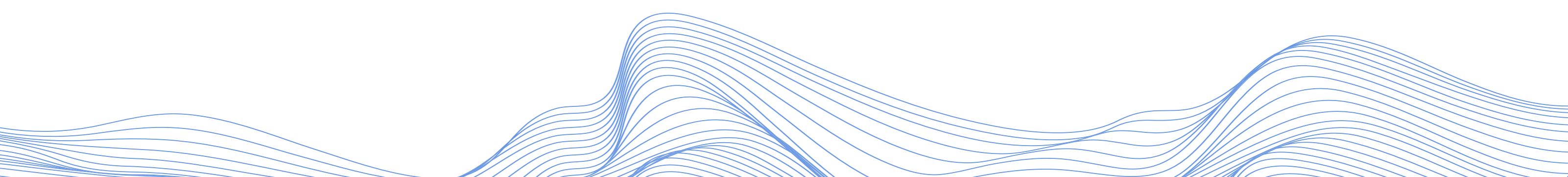
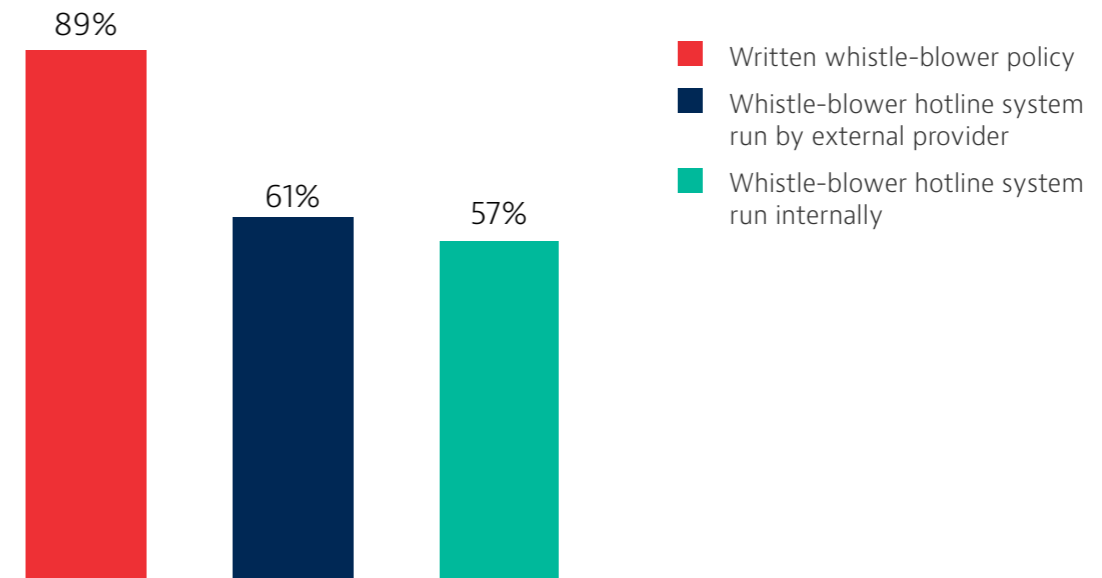




Figure 5. How have you set up your whistleblowing policies? (Select one)

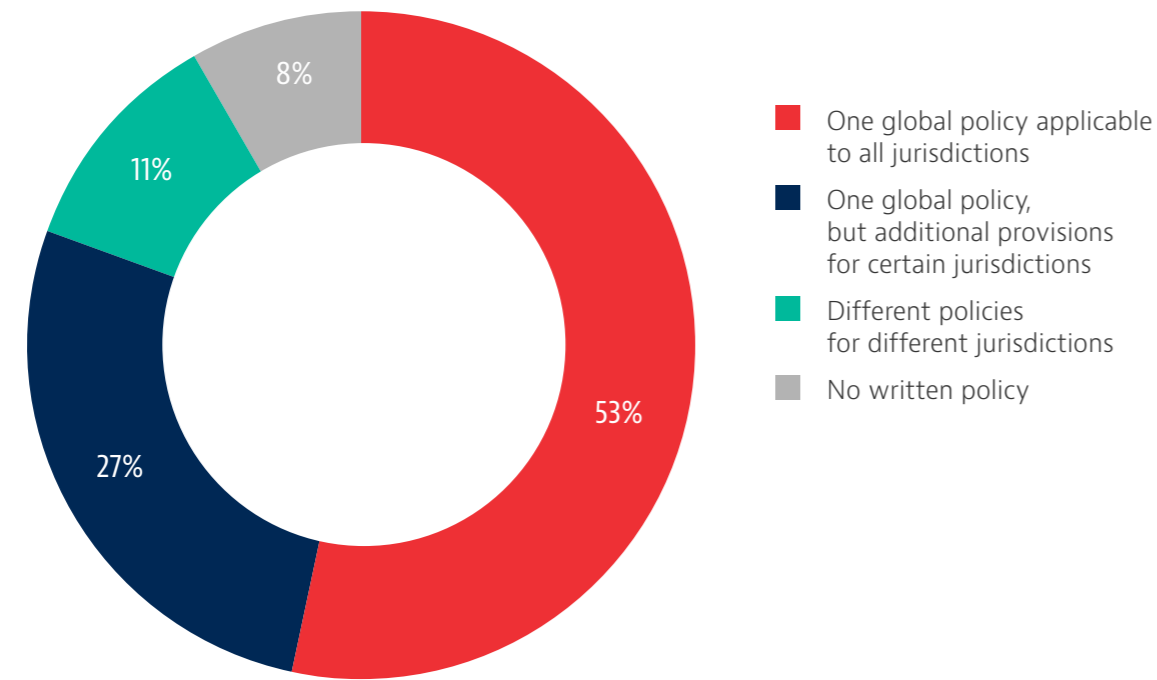


Figure 6. Who can make reports and receive protection under your organization's whistle-blower policy? (Select all that apply)

[All apart from those selecting 'No written policy' in Q5]

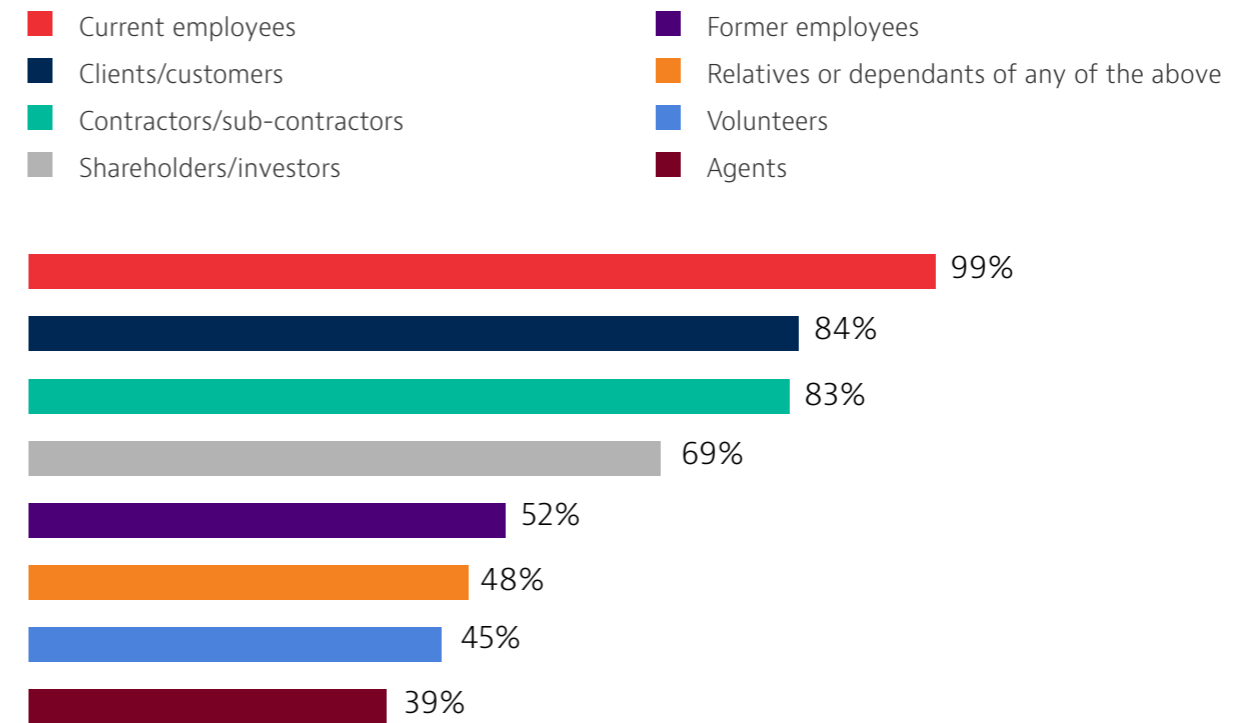




Figure 7. Does your organization’s whistle-blower policy commit to carrying out an investigation into reports made under the policy?

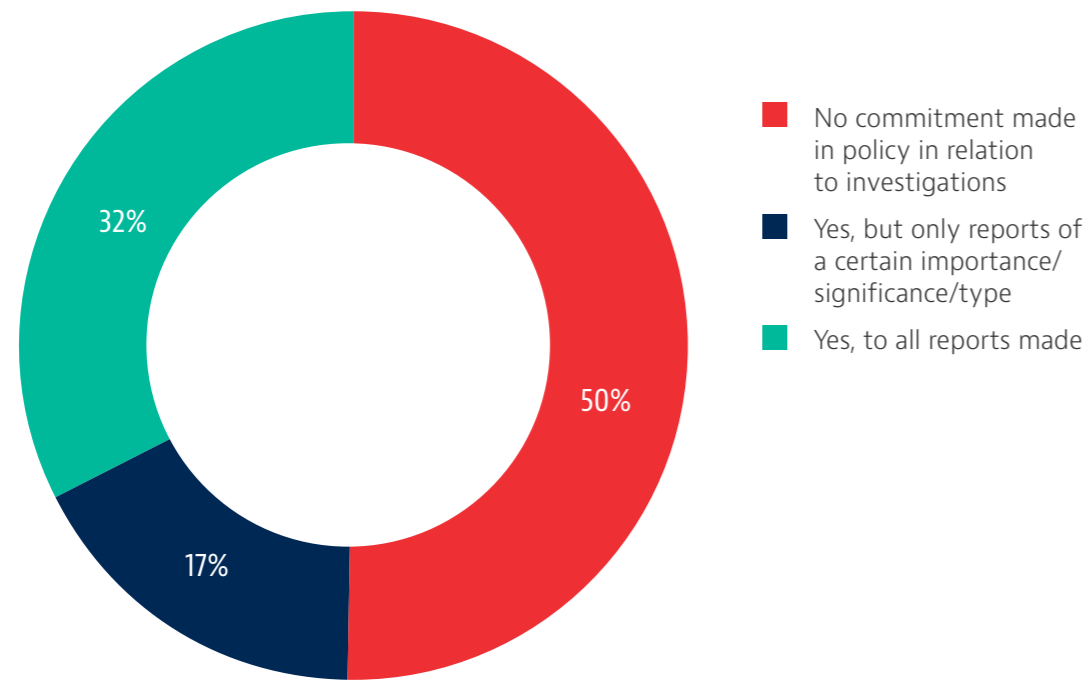


Figure 8. Which type of whistle-blower complaints have you received over the past three years? (Select all that apply)

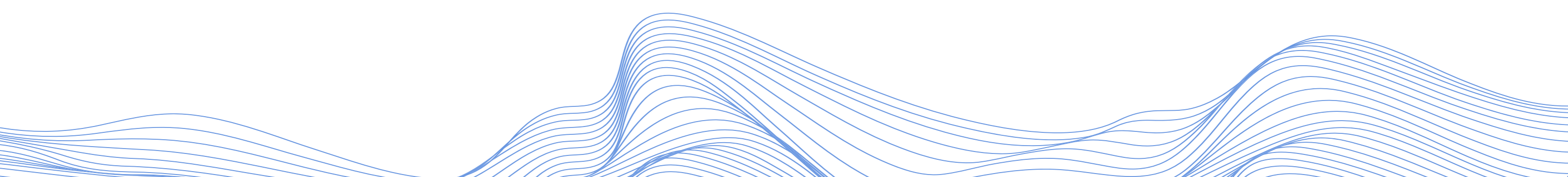
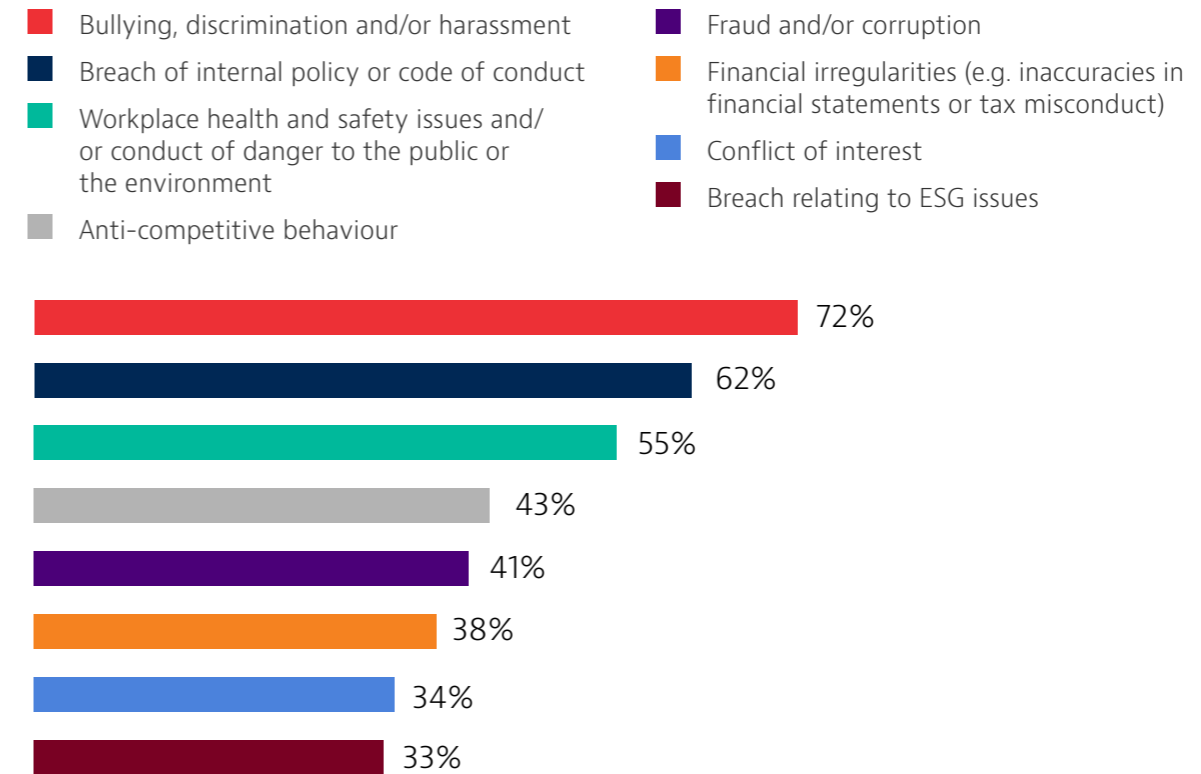




Figure 9. Do you consider that your organization has received reports that are vexatious or prompted by self-preservation?

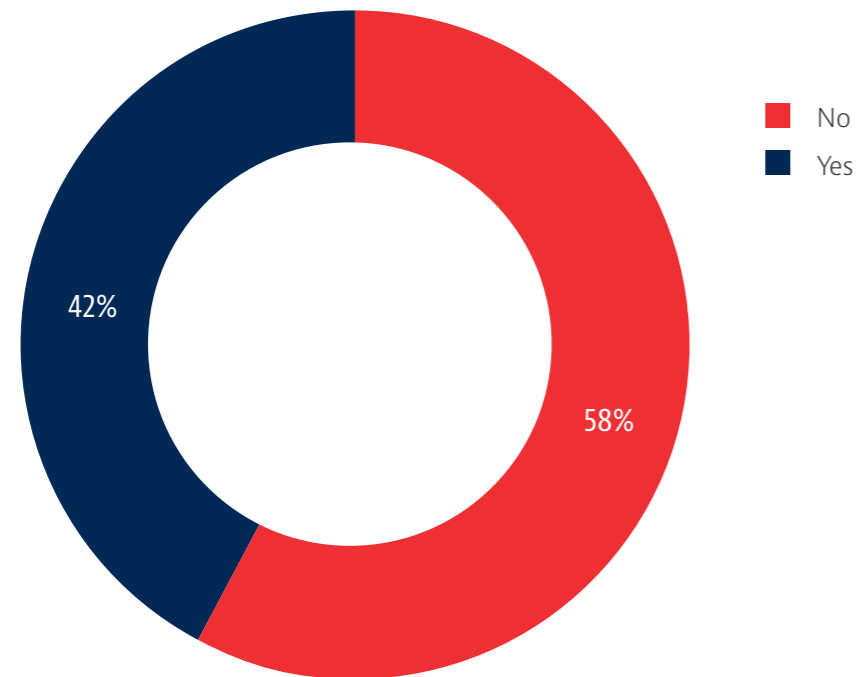


Figure 10. In the last year, compared to the previous year, has the number of whistleblowing complaints you received increased, decreased or stayed the same? (Select one)

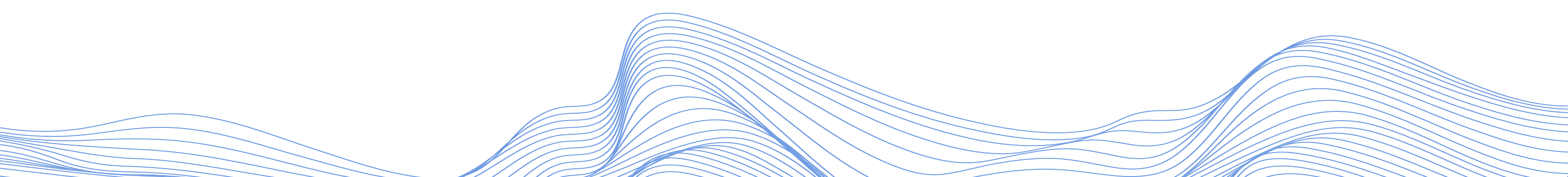
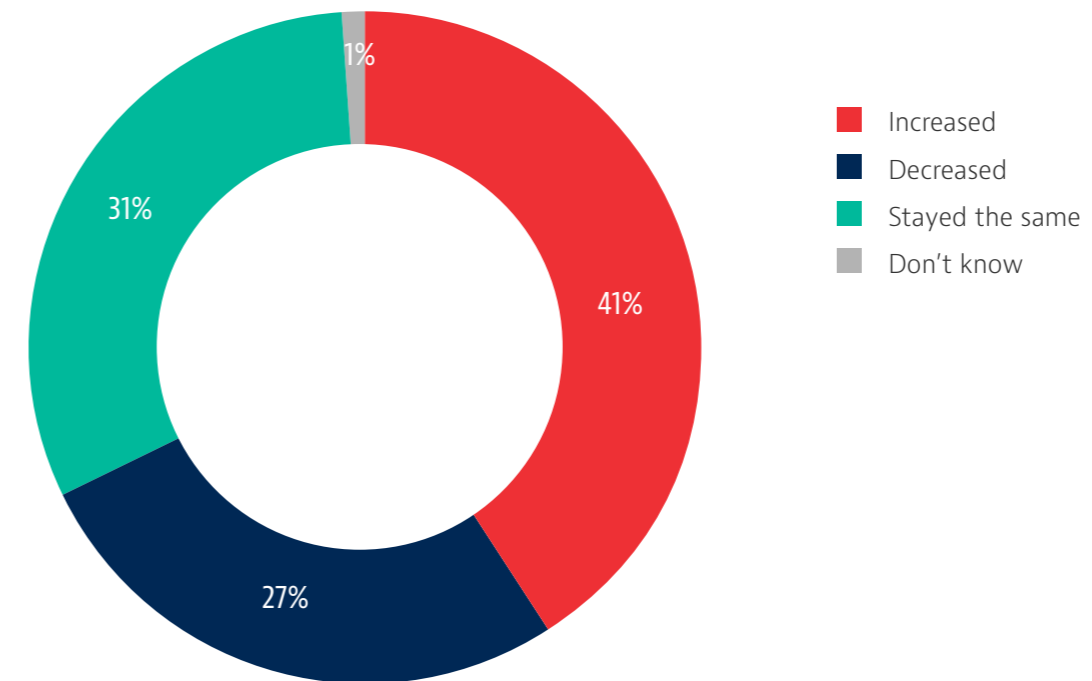




Figure 11. Approximately what percentage of whistleblowing reports were made on an anonymous basis within your organization over the past three years?

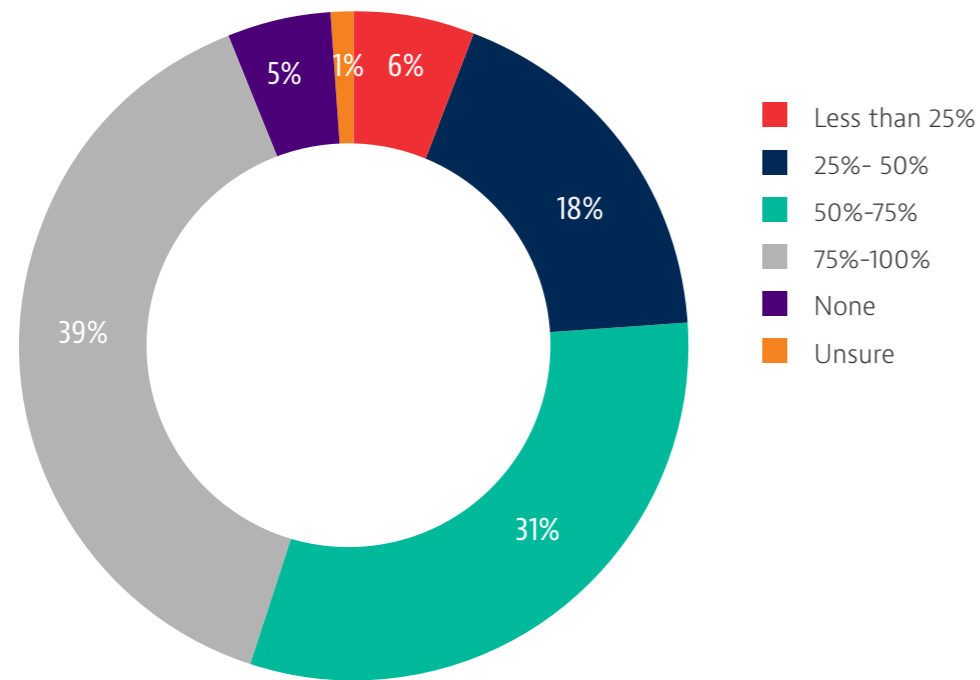


Figure 12. Which of the following groups of people have made whistleblowing reports under your organization’s whistleblowing policy? (Select all that apply)

[All apart from those selecting ‘No written policy’ in Q5]

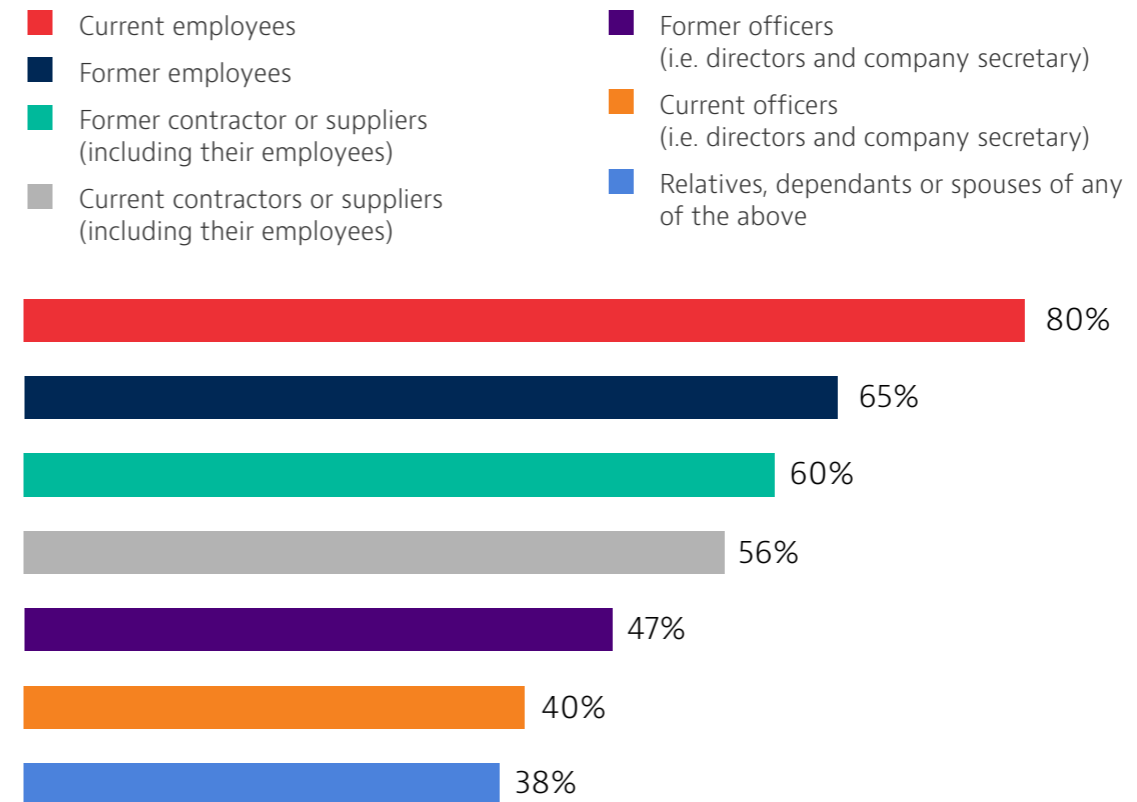




Figure 13. To what extent does the board/senior leadership team have oversight of whistle-blower complaint details? (Select one)

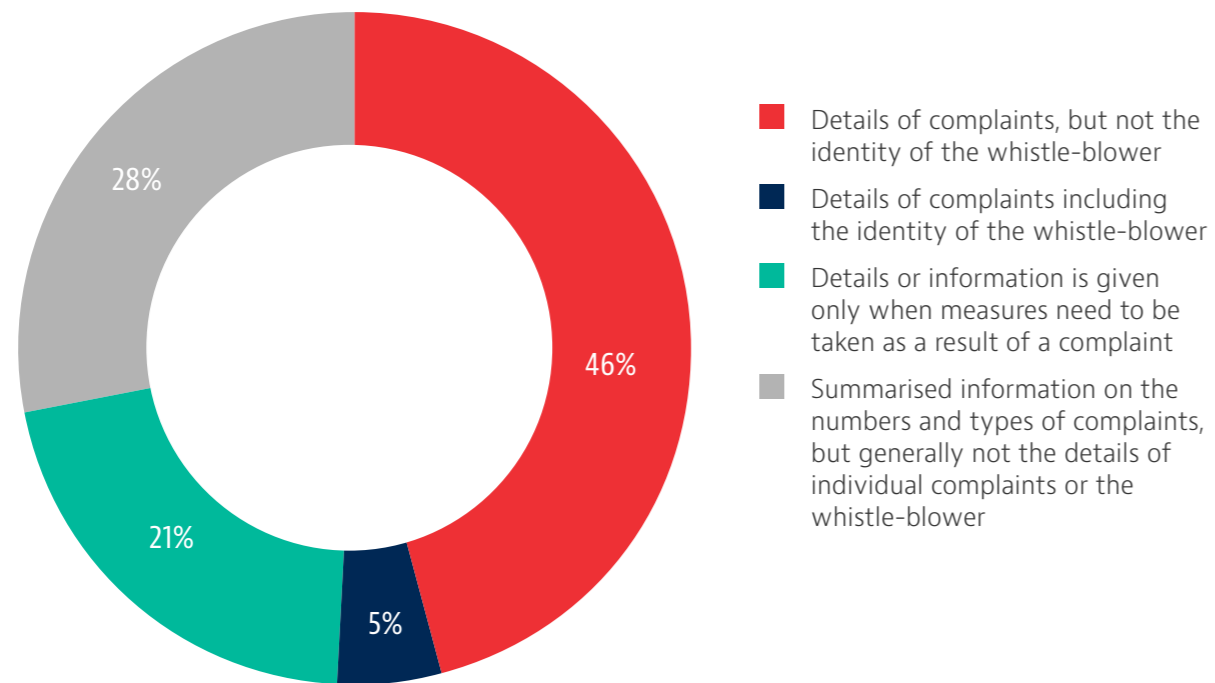


Figure 14. Which do you consider are the most likely reasons why an employee would be hesitant to 'blow the whistle'? (Select top three and rank 1 to 3, with 1 being the most likely reason)

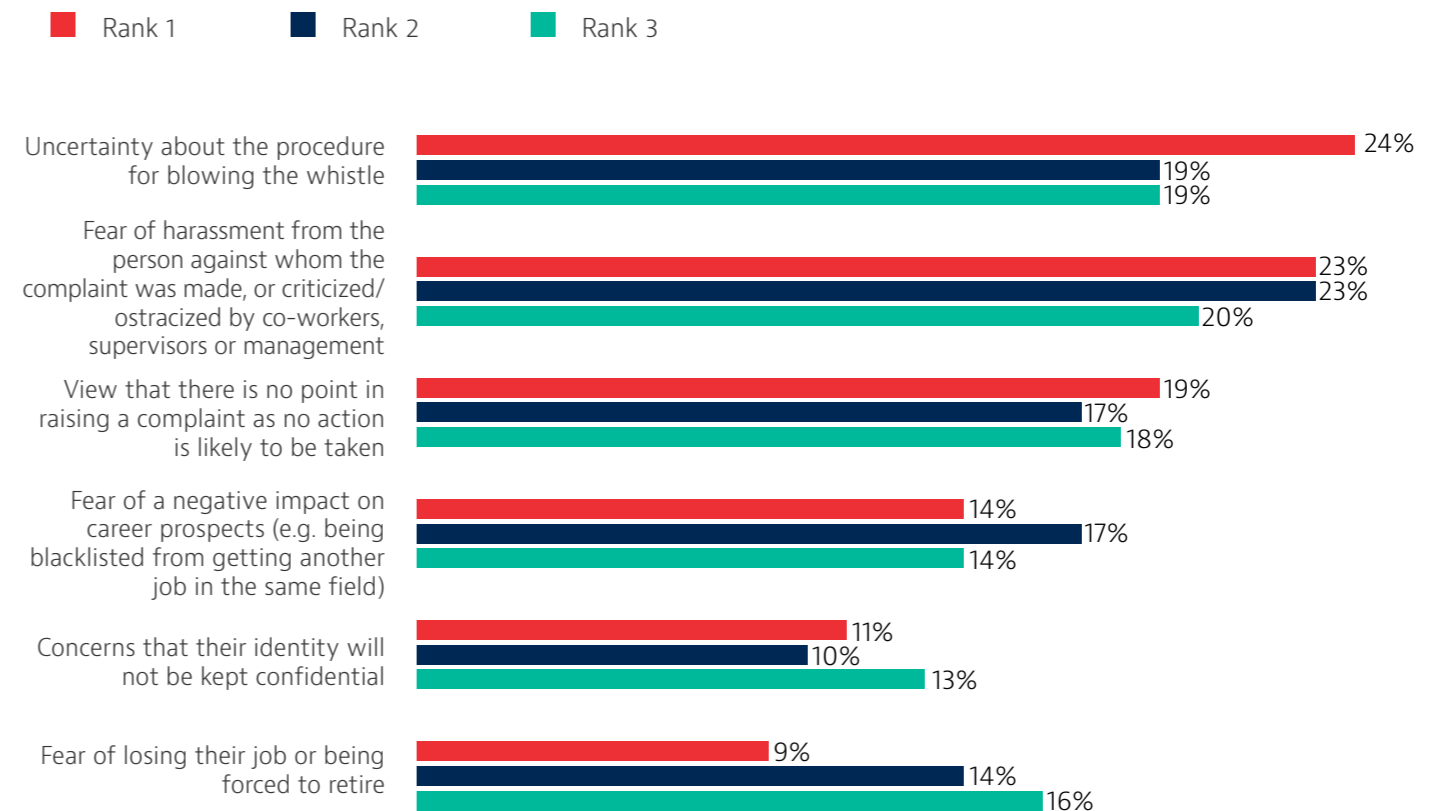




Figure 15. How does your organization raise awareness of whistleblowing processes? (Select all that apply or 'None of these')

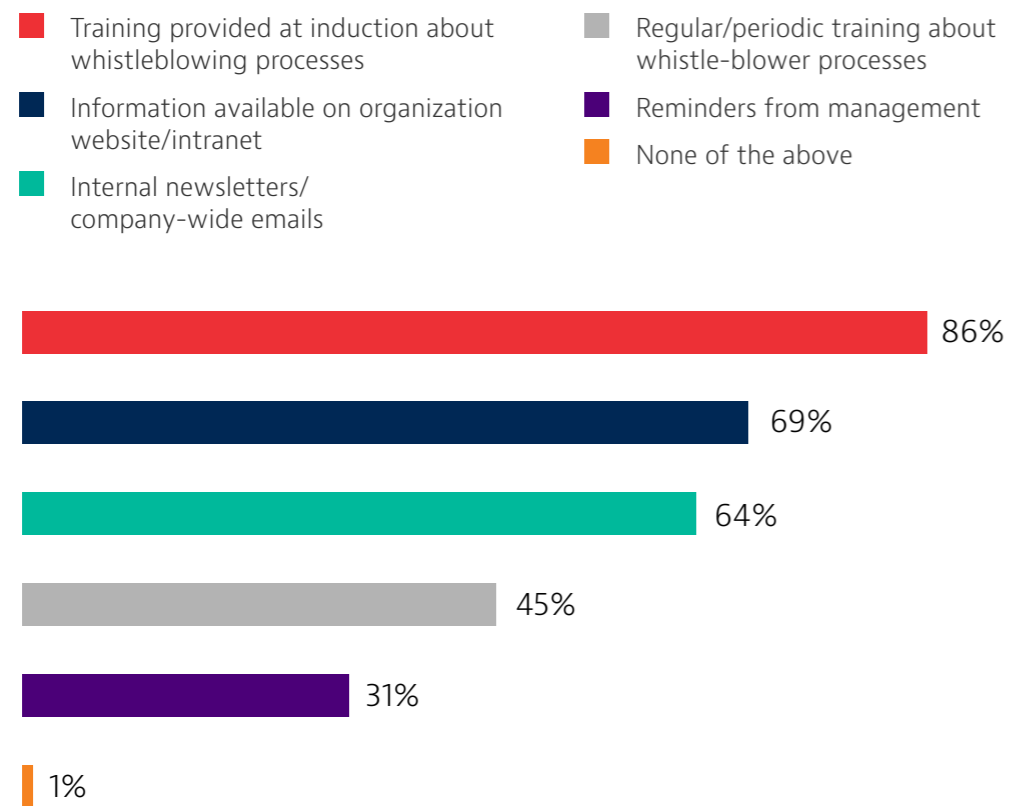


Figure 16. Which of the following best describes how your organization follows up on whistle-blower reported issues? (Select one)

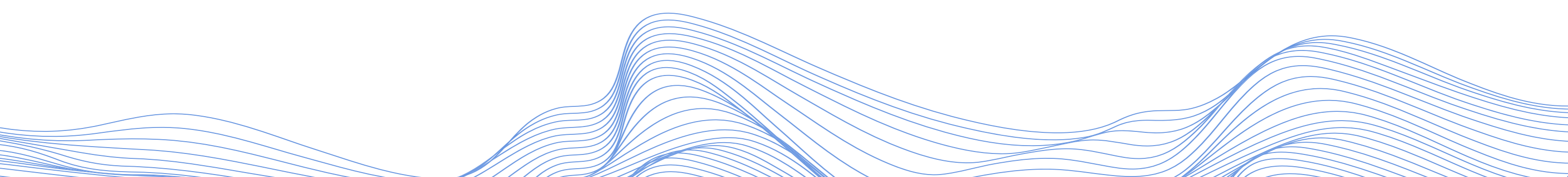
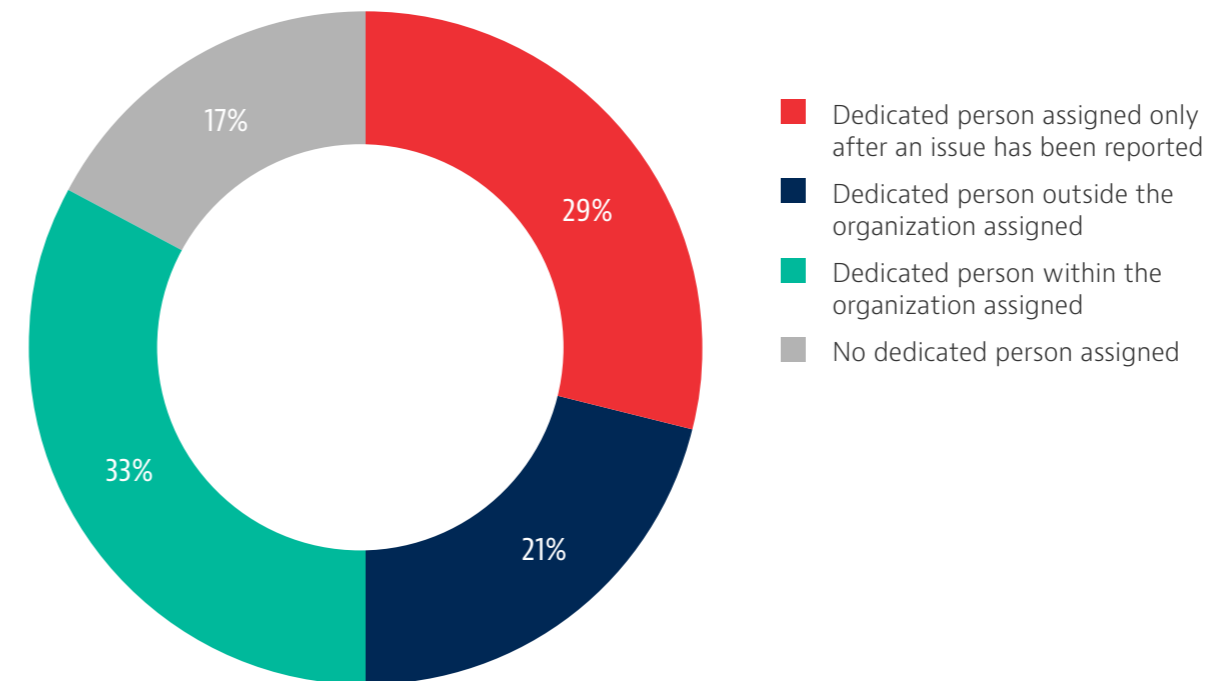




Figure 17. Have any whistle-blowers raised a complaint with your organization in relation to how their whistleblowing report was handled in the past three years?

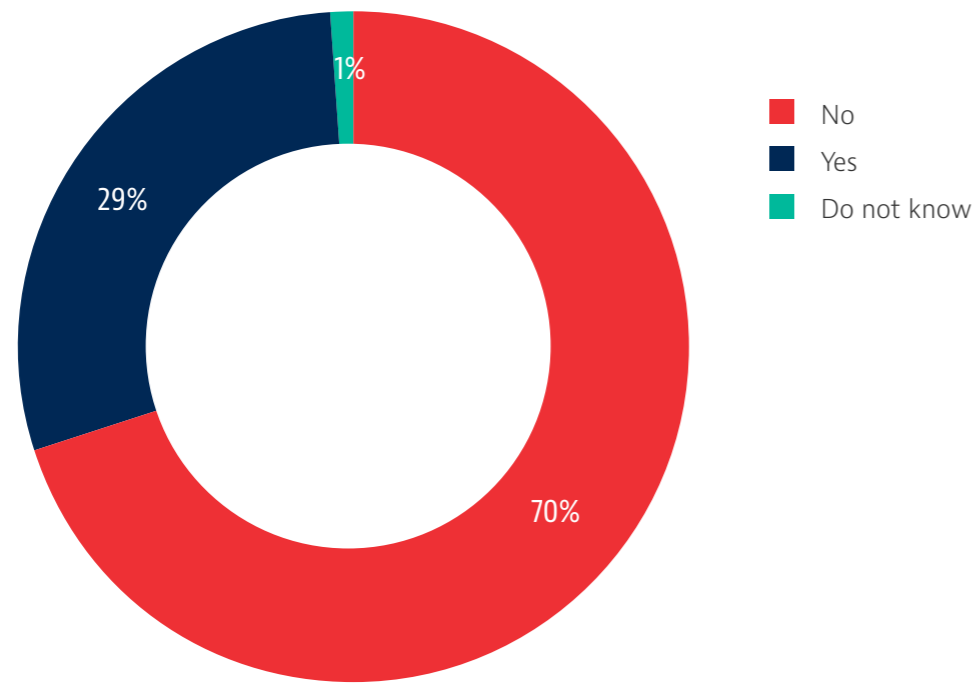


Figure 18. In what ways are whistle-blowers usually kept informed about how the organization is progressing with their complaint? (Select all that apply or 'None of these')

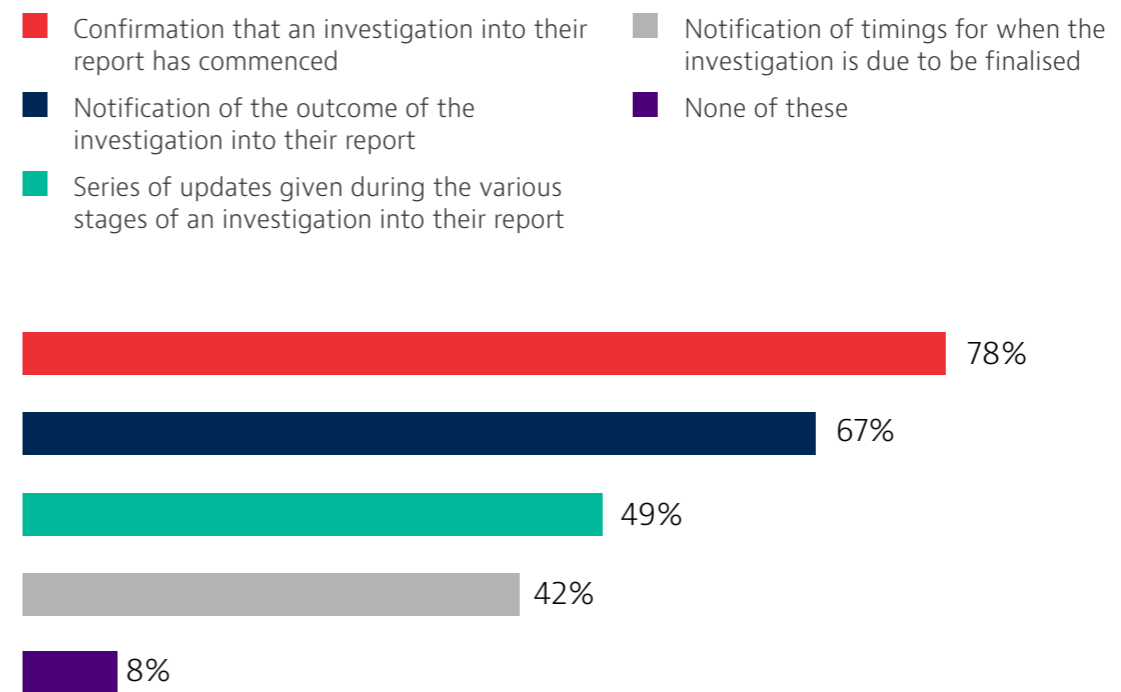




Figure 19. Which of the following types of support are available to employees who “blow the whistle” in your organization? (Select all that apply or ‘No forms of support offered’)

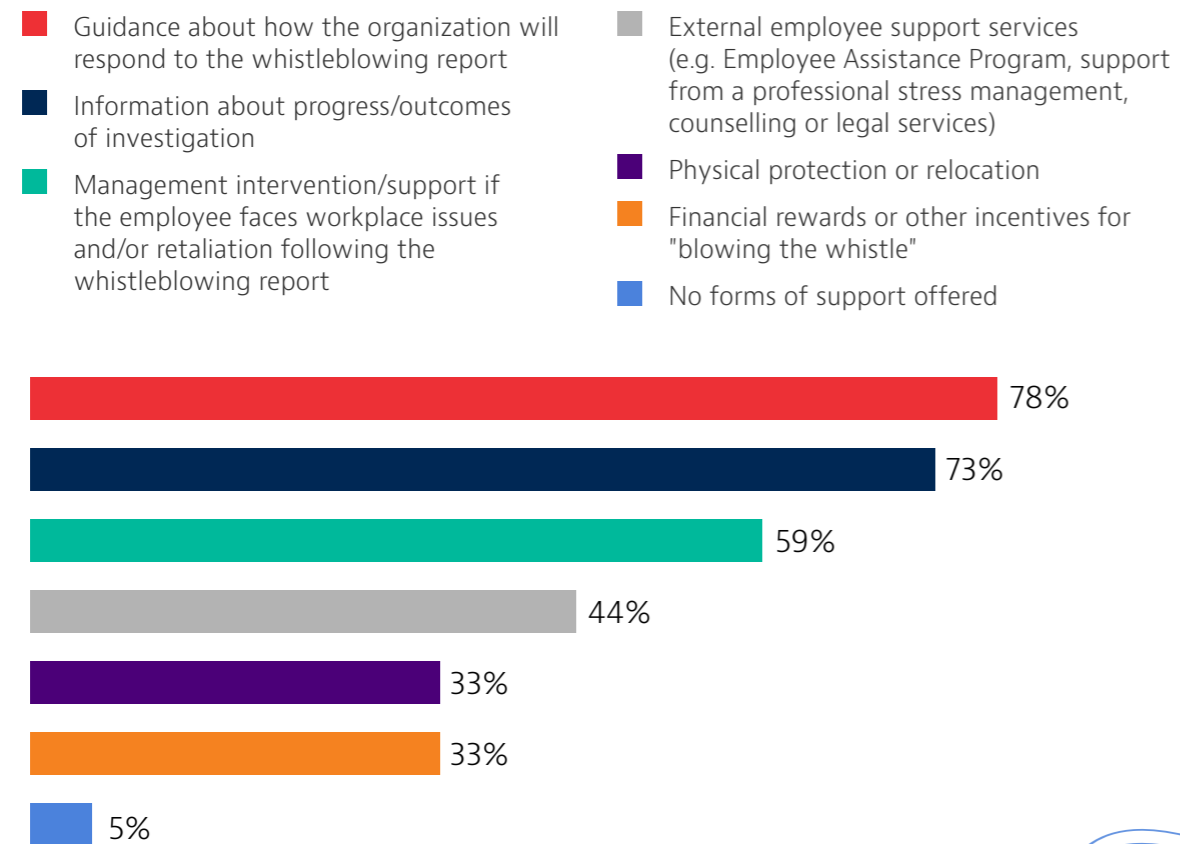


Figure 20. Over the past three years, what steps has your organization taken to protect whistle-blowers from detriment, victimization or retaliation? (Select all that apply or ‘No complaints reported in the past three years’)

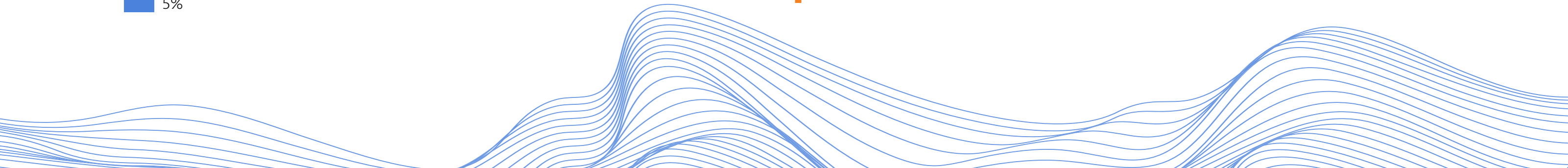
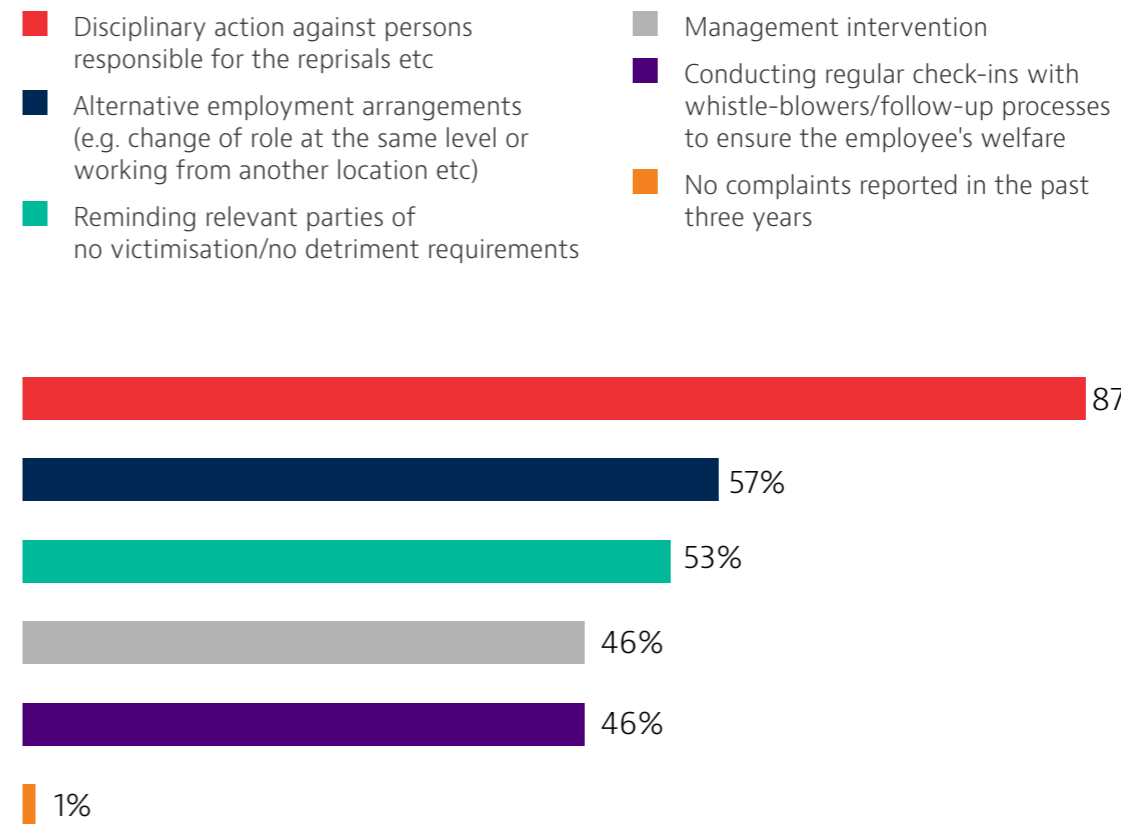




Figure 21. To what extent do you agree or disagree with the following statements regarding financial incentives or rewards to encourage whistleblowing?

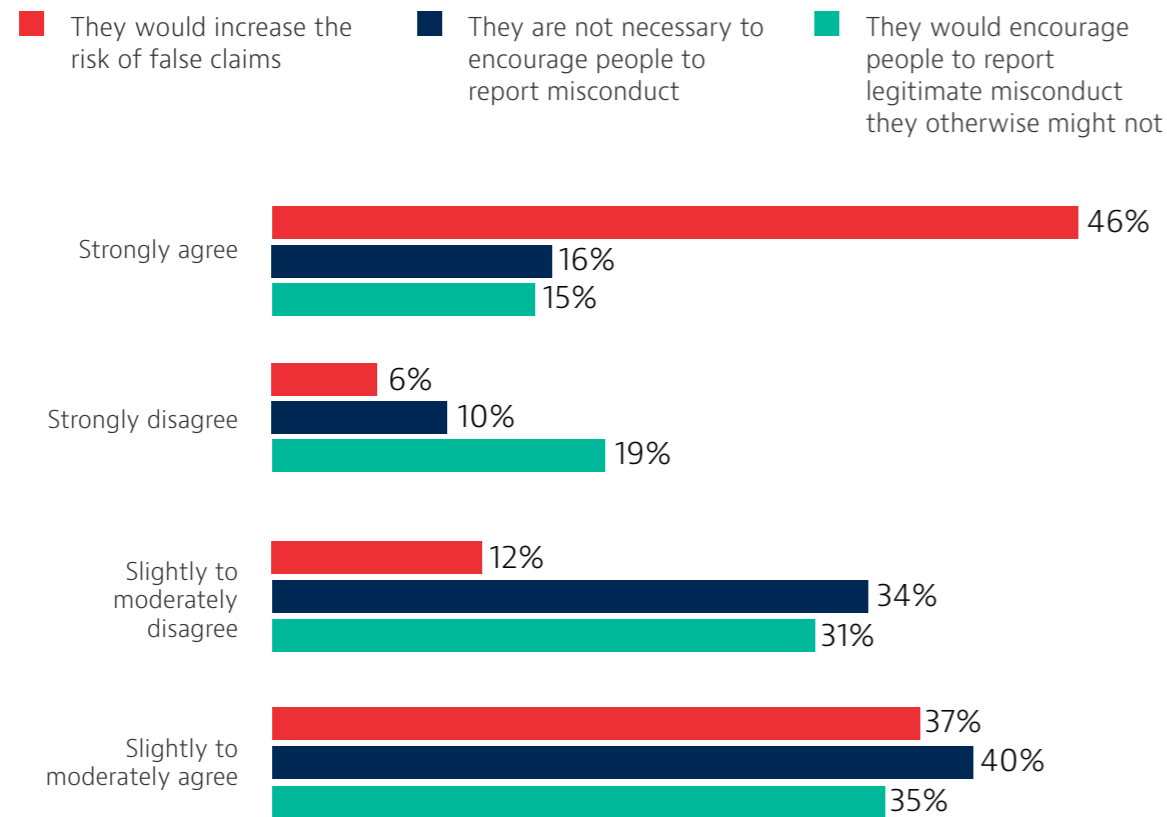


Figure 22. How does your organization maintain the confidentiality of a whistle-blower's identity? (Select all that apply or 'No specific measures taken')

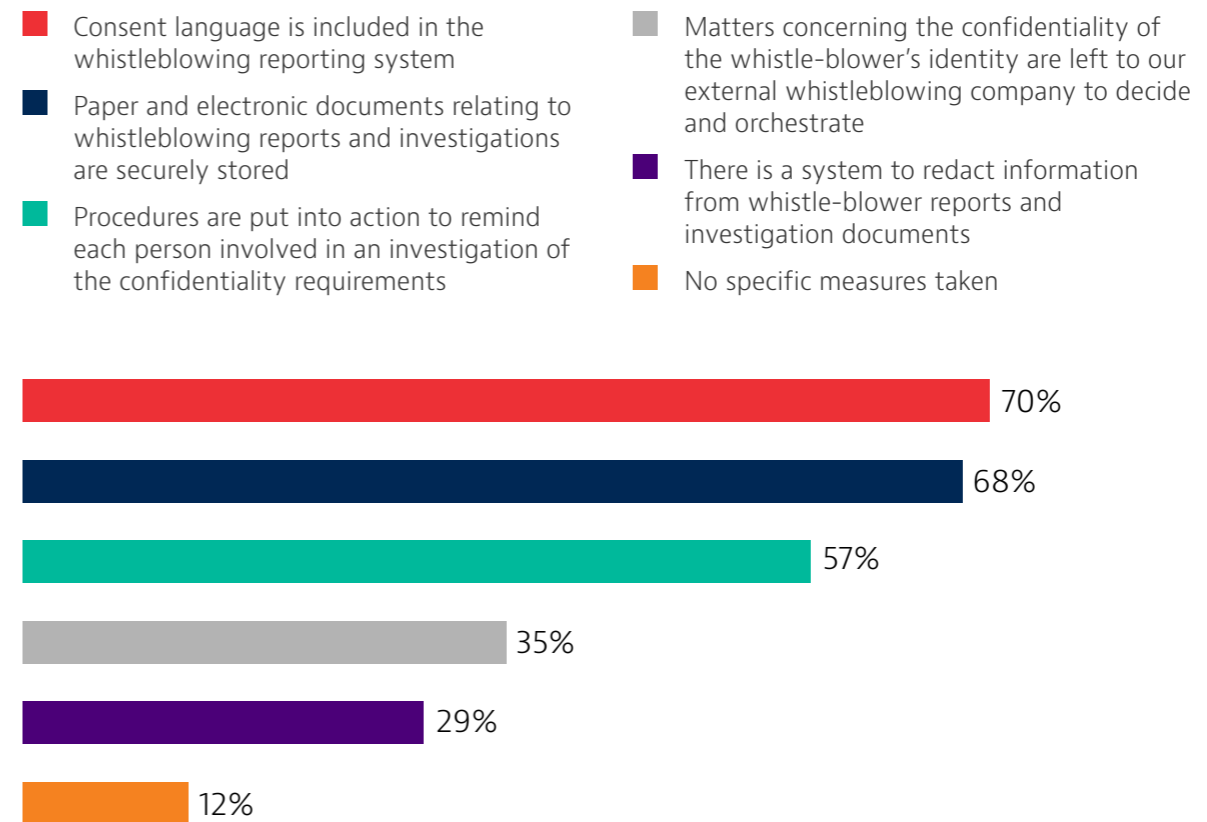




Figure 23. Over the past three years, has anyone within your organization inadvertently or otherwise breached the confidentiality obligations set out under your organization’s whistleblowing policy e.g. by providing the identity of the whistle-blower to the legal, HR or compliance team without the whistle-blower’s consent?

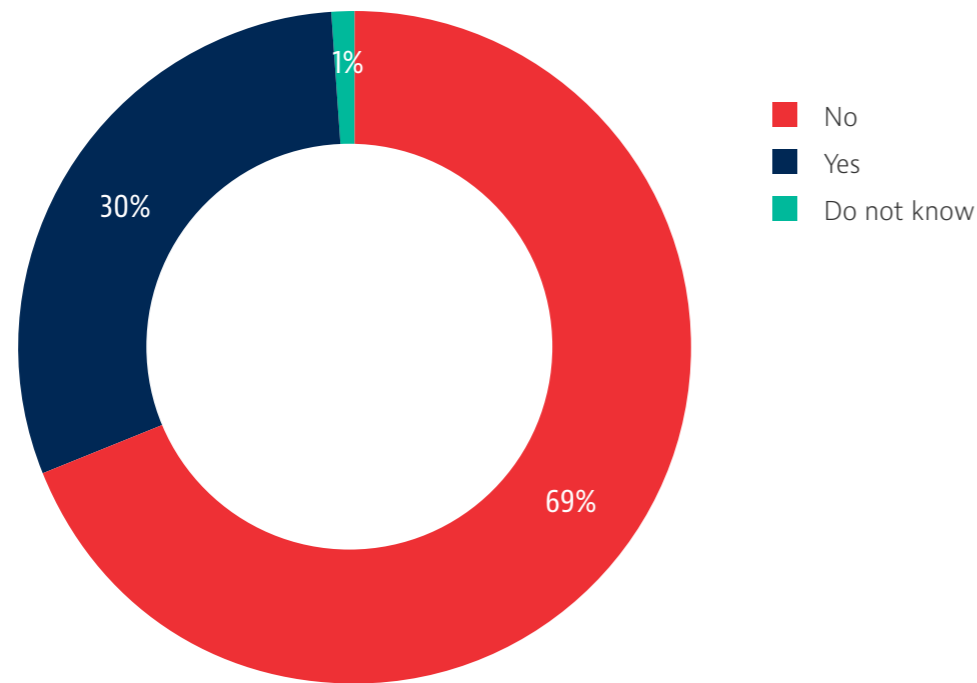


Figure 24. Does your whistleblowing reporting program cover breaches of your ESG or sustainability policy?

(Figures rounded to nearest %)

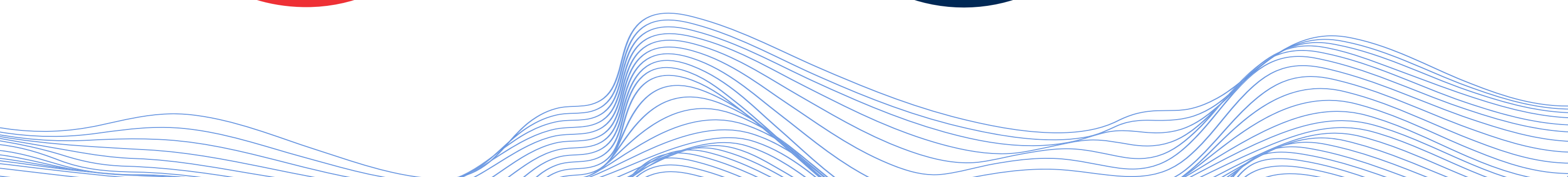
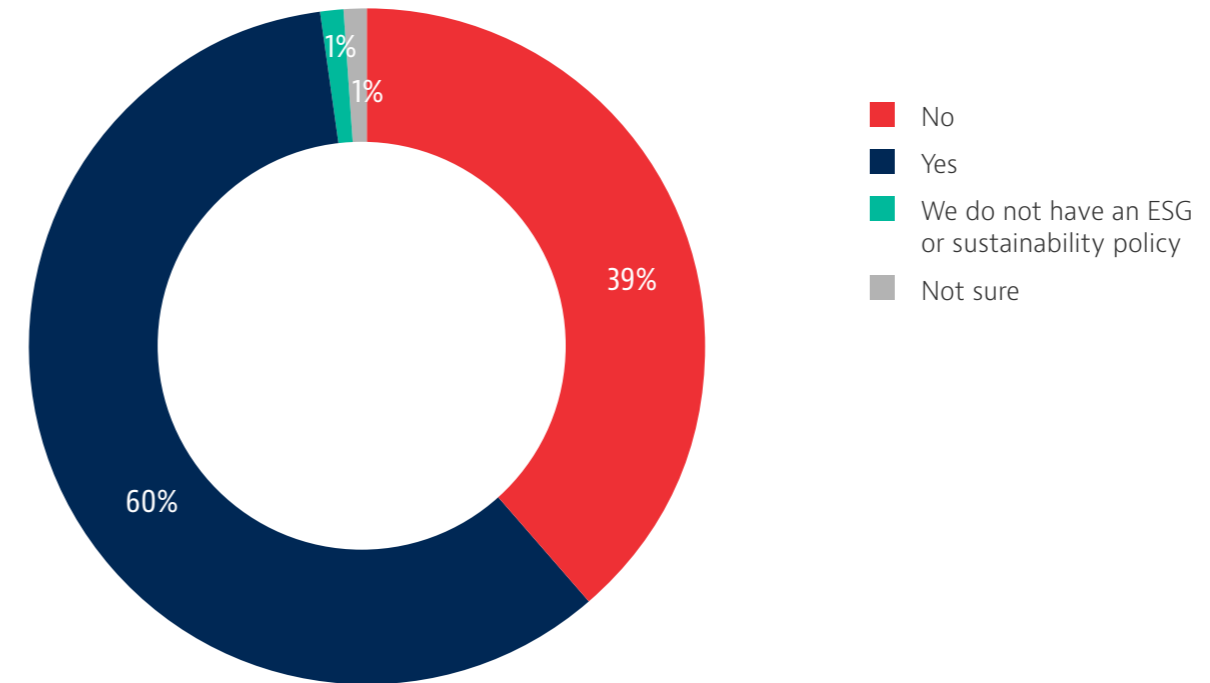




Figure 25(A). Does your company prepare a report on your ESG program?

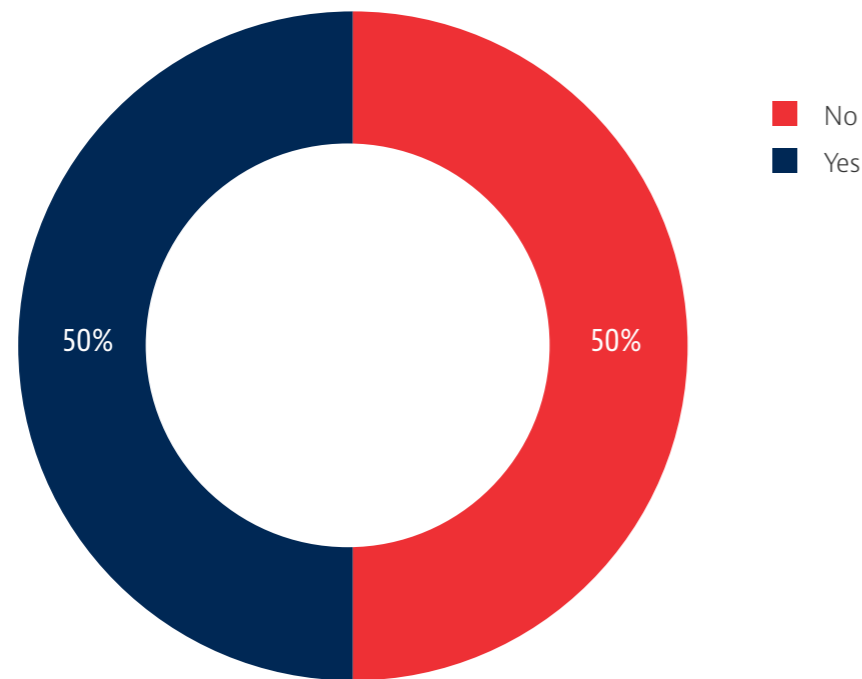


Figure 25(B). [If yes], does it specifically mention a whistleblowing aspect (for example, for fraudulent ESG reporting)?

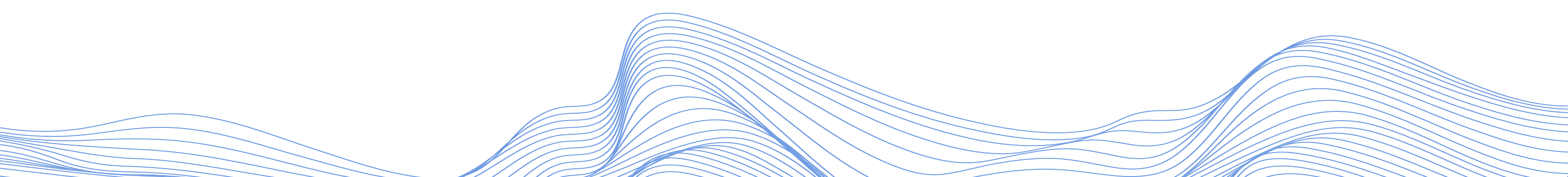
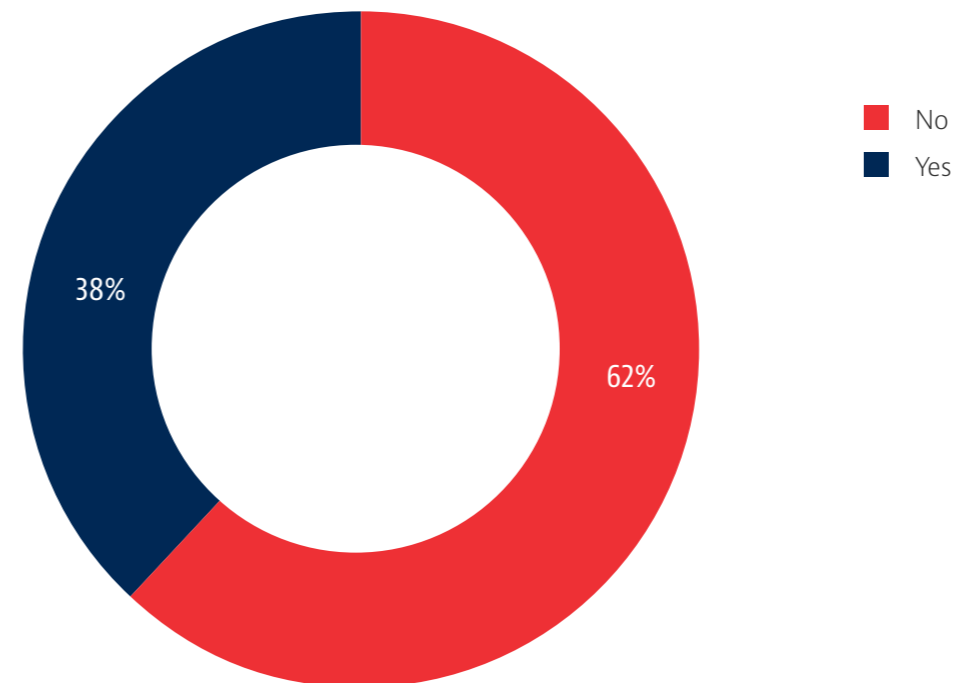




Figure 26. Do you think the enhanced Australian whistleblowing legislation that came into force in 2019 has increased whistle-blowers' willingness to come forward at your organization?

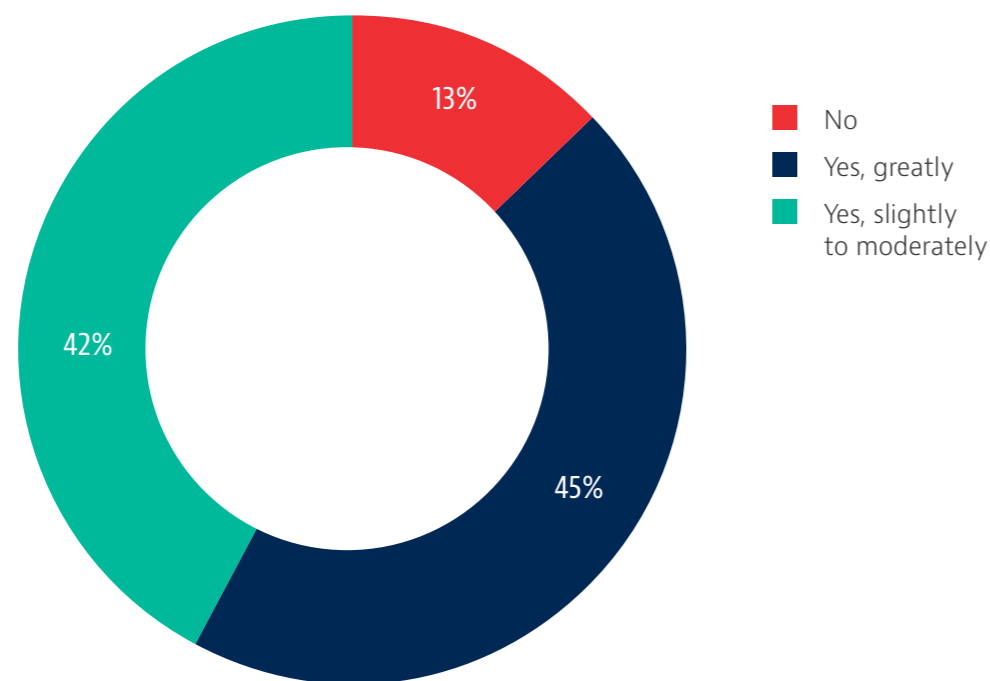


Figure 27. Since the updated legislation came into force, have you experienced times where it has been difficult to determine whether the Australian whistle-blowing laws applied to a complaint? (Select one)

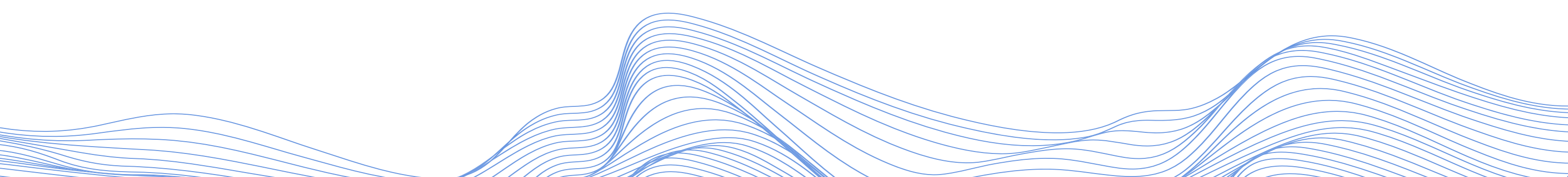
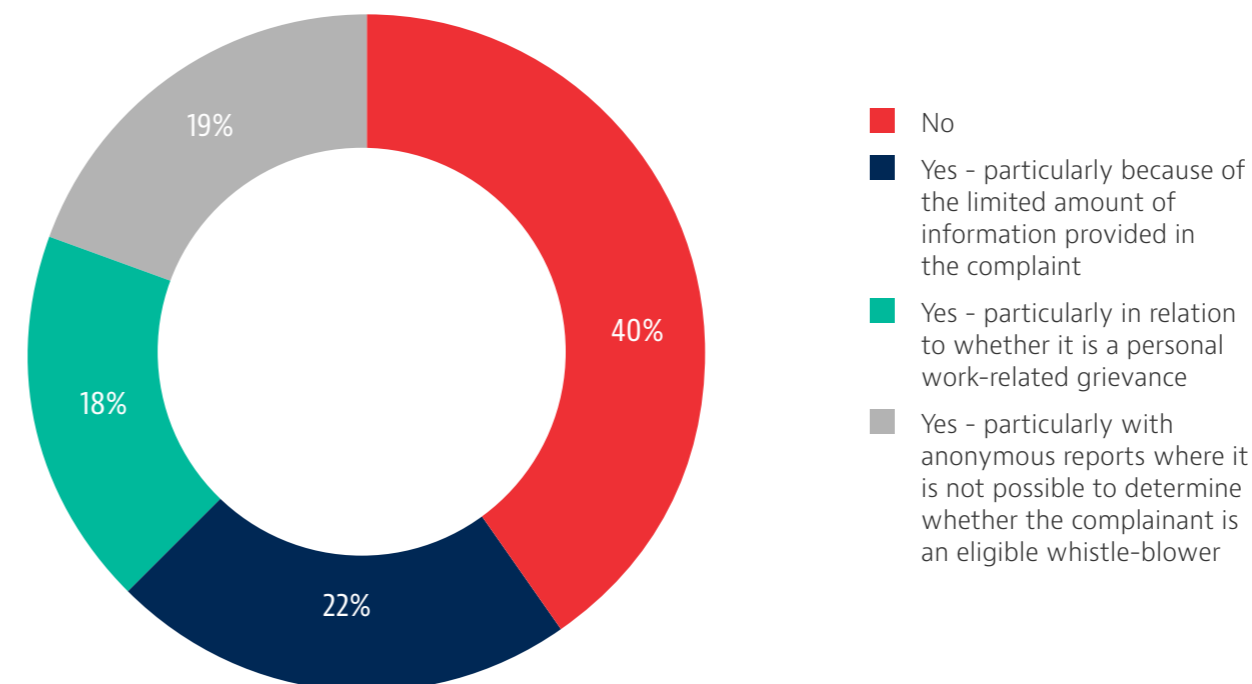




Figure 28. To whom has your organization provided internal training on the enhanced Australian whistleblowing laws? (Select all that apply)

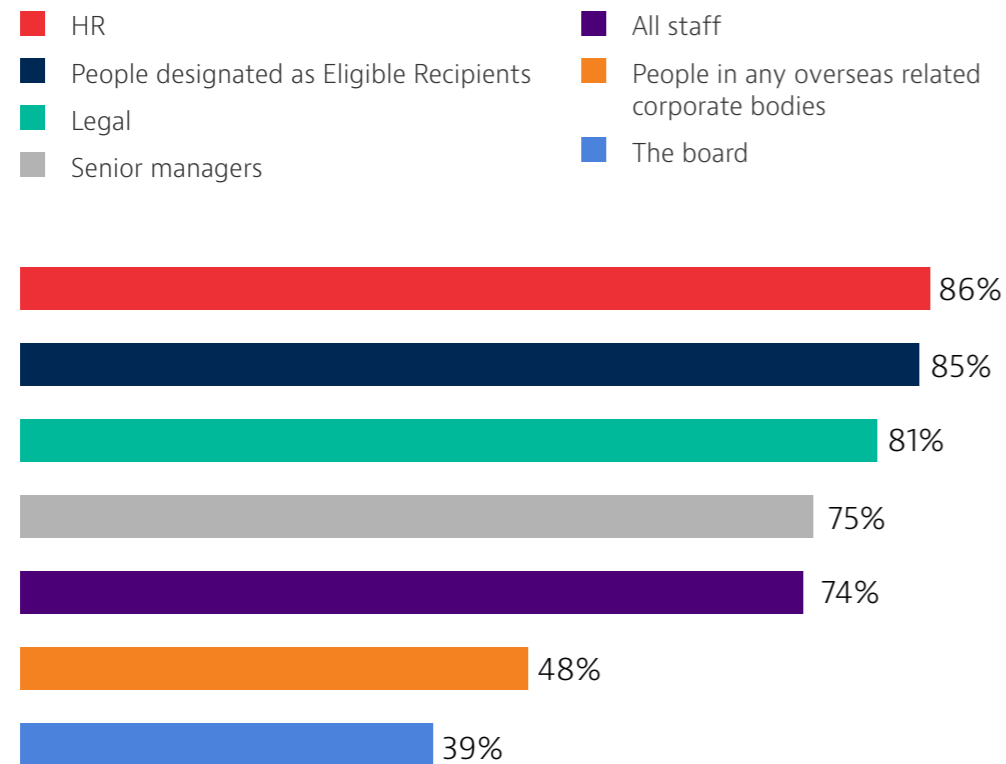


Figure 29. Do you think your board, senior managers and anyone designated by your company as an 'eligible recipient' (including any external hotline providers) are fully aware of the requirements of the Australian whistleblowing legislation on confidentiality, including that they cannot share the identity of the whistle-blower with legal or HR unless the whistle-blower gives consent? (Select one)

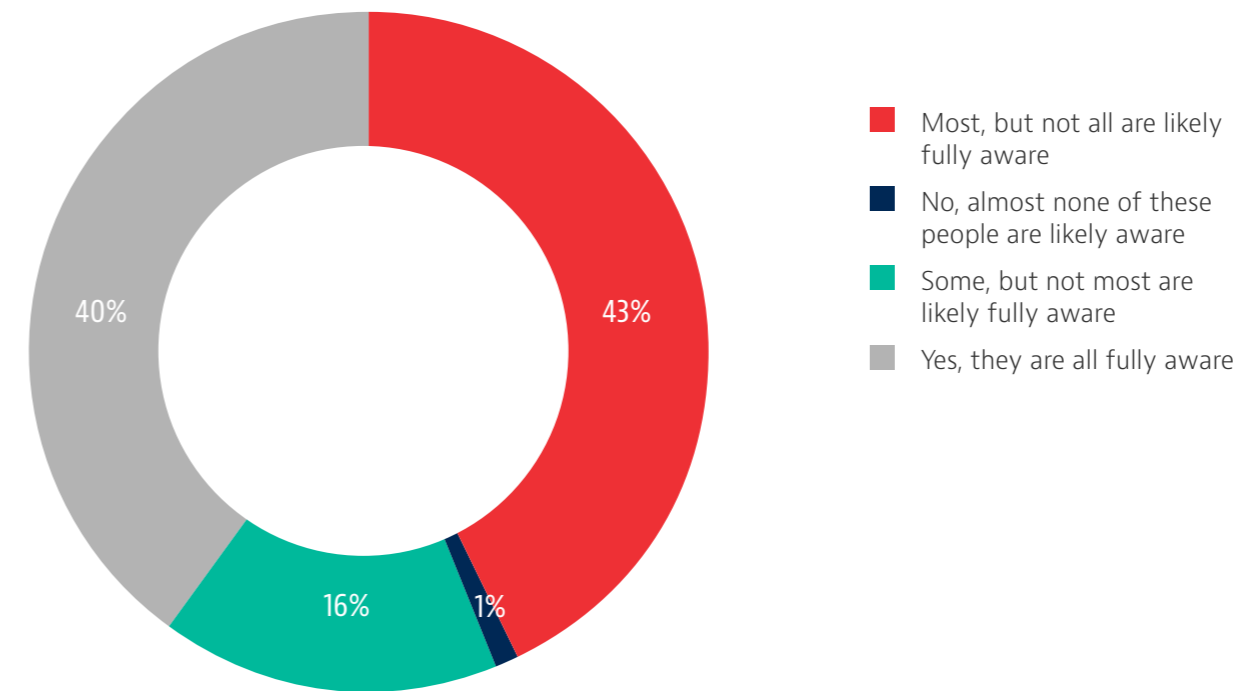




Figure 30(A). Has your organization fully adopted ASIC's guidance recommendations in its policy? (Select one)

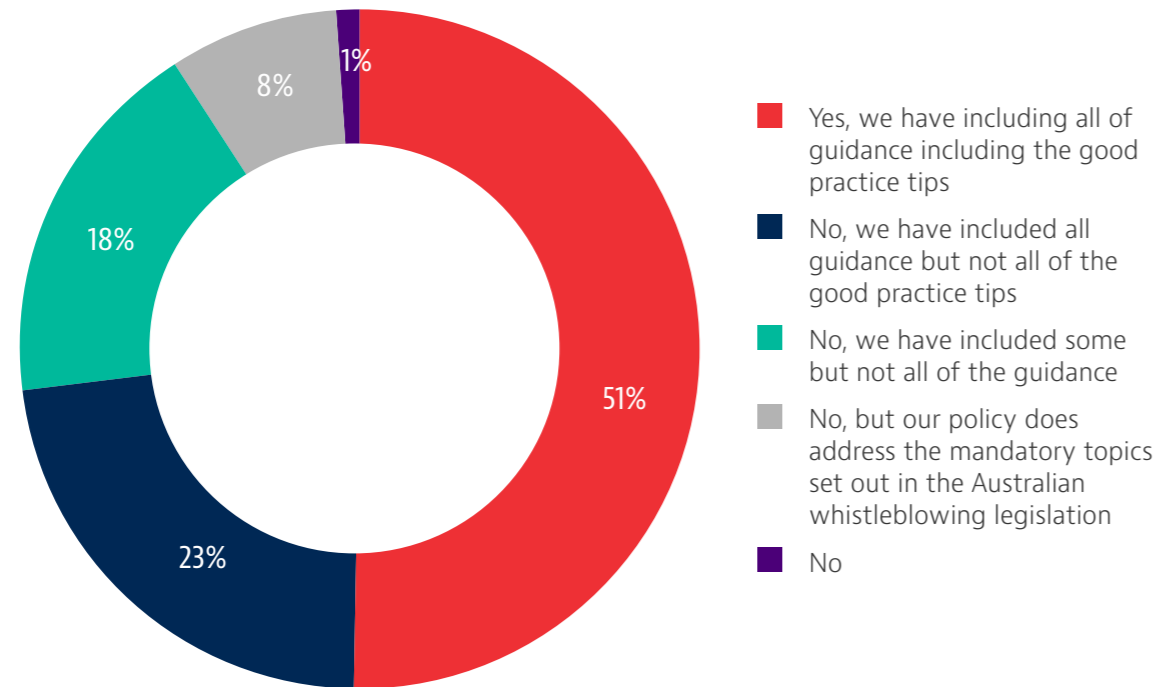


Figure 30(B). What is the main reason your organization has not fully adopted ASIC's guidance recommendations in its policy? (Select one)

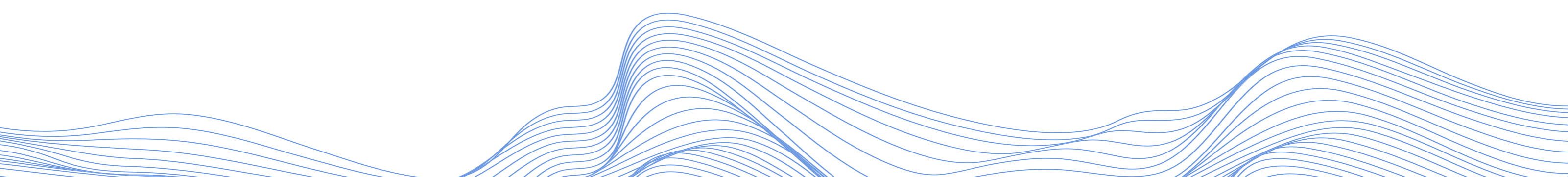
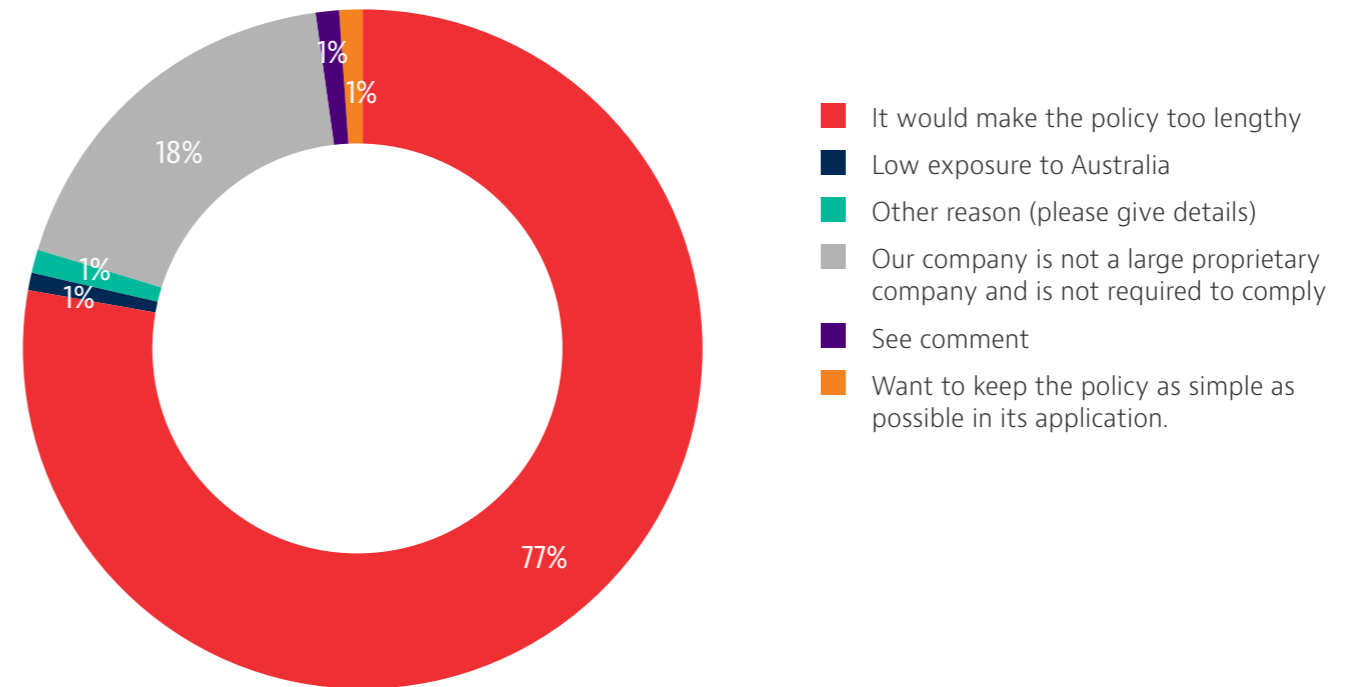
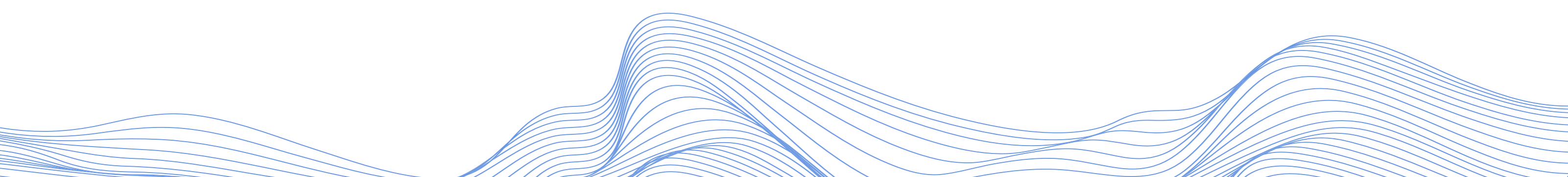
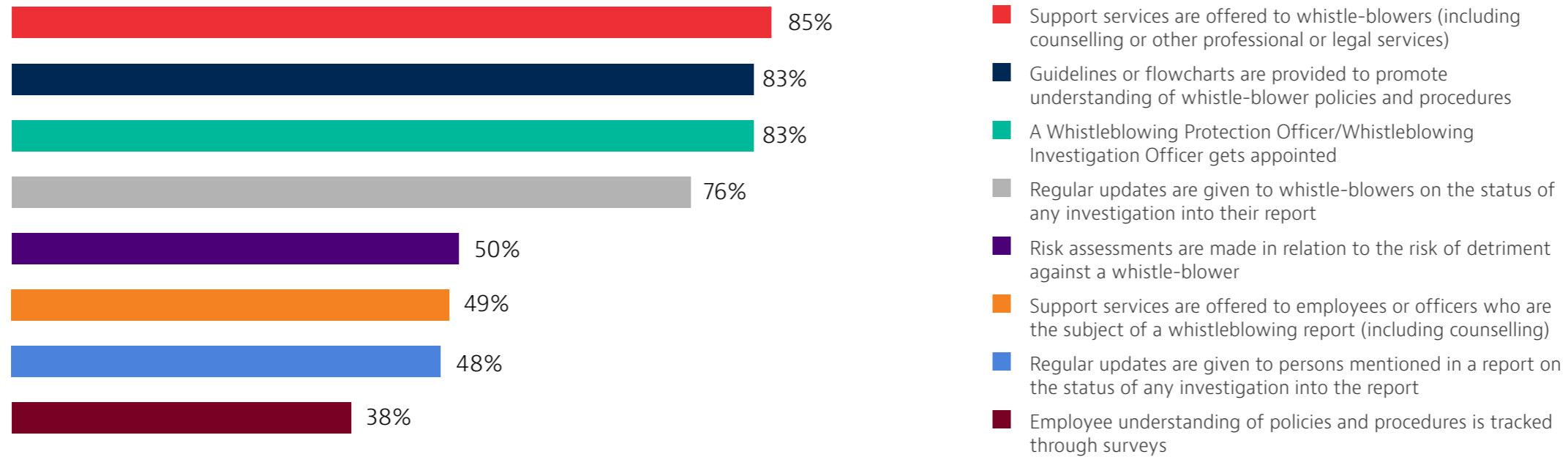




Figure 31. Which of the following ASIC recommendations has your organization adopted in its whistle-blower policy? (Select all that apply)





Conclusion

While the survey results show that many companies across the Asia Pacific region have stepped up their efforts to keep their whistleblower programs and policies up to date, there is more that can be done. Companies need to be confident their programs comply with evolving regulation, and go beyond the bare minimum to embed a “speak up” culture across their organizations. Failing to do so could expose organizations to regulatory, reputational and financial repercussions.

Whistleblowing programs need to adapt and evolve with the legal and regulatory landscape, and it is vital that management implements a regular review of those programs. For example, in line with the growing focus on ESG compliance, has resulted in organizations bringing such matters within the scope of their whistleblower programs.

The tone from the top will often be the deciding factor on whether or not a whistleblowing program will be successful. Leadership must take ownership of — and invest resources in — their organization’s whistleblowing program to give it every chance of success, including:



Regulatory Awareness

Changes to legal regimes and requirements regarding whistleblower protections are creating new risks and compliance challenges, particularly for multinationals operating in Asia Pacific where a one-size-fits-all approach to whistleblowing policies and procedures may no longer be possible.



Organized Approach

Regular training, employee surveys and user-friendly flow diagrams are all tools which some companies are adopting to assist with the challenge.



Renewing Confidence

Trust-building between employers and employees is essential to a complete and effective whistleblower program.

This reduces the incidence of whistleblowers going outside the company to report wrongdoings, either directly to regulators or via the media, rather than bring matters to the attention of officers and executive who can make the necessary corrections.

Robust confidentiality and anti-victimization measures are necessary for success.



Reality Check

Apparent differences in approach and commitments to new whistleblower requirements shows that some companies in Asia Pacific may be more compliance-ready than others.

Consulting advisors with expertise on these issues can help provide an additional layer of support when getting matters right means getting and staying ahead.

Read the full report



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