

Whistle Blower Policy

Iraq

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1. Purpose

The objective of this policy is to encourage reporting of wrongdoing that is of legitimate concern by providing a convenient and safe reporting mechanism, and protection for people who make serious wrongdoing disclosures.

2. Scope

This Policy applies to all ASB services in Iraq

It encompasses all staff and personnel including executives, managers, staff, contractors, consultants, volunteers and interns. It extends to clients and suppliers.

3. Policy Statement

ASB is committed to the highest standards of legal, ethical and moral behavior.

People who have a working relationship with ASB are often the first to realize that there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimized or subject to reprisals for reporting wrongdoing.

No person should be personally disadvantaged for reporting wrongdoing. Not only is it illegal but it directly opposes ASB's values. ASB is committed to maintaining an environment where legitimate concerns are able to be reported without fear of retaliatory action or retribution.

When a person makes a disclosure:

1. Their identity must remain confidential according to their wishes
2. They will be protected from reprisal, discrimination, harassment or victimization for making the disclosure
3. An independent internal inquiry or investigation will be conducted
4. Issues identified from the inquiry/investigation will be resolved and/or rectified
5. They will be informed about the outcome
6. Any retaliation for having made the disclosure will be treated as serious wrongdoing under this Policy

Definitions

Terms used in this Policy are:

Whistleblowing Disclosure: by (or for) a witness of actual or suspected wrongdoing

Whistleblower: A person who reports wrongdoing in accordance with this Policy Wrongdoing Conduct that:

Breaches legislation, regulations or local government by-laws or is otherwise illegal (including corporations law, theft, drug sale/use, violence or threatened violence or criminal damage against property)

1. Is corrupt or is an abuse of public trust or position as a public official

2. Is dishonest or fraudulent
3. Perverts the course of justice
4. Unreasonably endangers health and safety or the environment
5. Is maladministration (e.g. unjust, based on improper motives, is unreasonable, oppressive or negligent)
6. Is serious or substantial waste (including public money or public property)
7. Is gross mismanagement or repeated breaches of administrative procedures
8. Has financial or non-financial loss detrimental to the interests of ASB
9. Is an unethical breach of the Code of Conduct
10. Is serious improper conduct that could give reasonable grounds for disciplinary action

Responsibilities

5.1 Whistleblowers

Protection is available to Whistleblower's who disclose wrongdoing that is:

Serious in nature;

1. Made in good faith; and
2. Made with reasonable grounds to believe it is true.

Protection is not available where the disclosure is:

1. Trivial or vexatious in nature with no substance. This will be treated in the same manner as a false report and may itself constitute wrongdoing.
2. Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false. These will be viewed seriously and may be subject to disciplinary action that could include dismissal, termination of service or cessation of a service or client relationship.

A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.

Making a disclosure may not protect the Whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their report of that conduct under this policy. However active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

Even though a Whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimization in reprisal for making a report under this policy.

5.2 Managers

All managers who receive a disclosure about wrongdoing must notify the Integrity Line and provide particulars and maintain confidentiality about it.

6. Policy Application

6.1 Reporting a Disclosure

Normal channels of reporting are favored.

6.1.1 Internal Whistleblowers

(Directors, employees, volunteers, interns, contractors or consultants)

Sometimes, a suspicion of wrongdoing may arise from a misunderstanding and is not in fact wrongdoing; or is a matter where communication is restrained by confidentiality requirements or other legitimate reasons. Accordingly, internal Whistleblowers are encouraged to check with their supervisor or their supervisors' manager to seek an immediate response. Where the internal Whistleblower believes this is not appropriate, then an alternative reporting mechanism is available.

6.1.2 External Whistleblowers

(Other people with a relationship with ASB – e.g. beneficiaries, partners & suppliers)

Where an external Whistleblower is reluctant to report it to line management for fear of retribution, they can report their concerns to a higher level of management than the person in ASB that they ordinarily deal with. There may be a simple explanation that they had not considered. Where this is not appropriate, an alternative reporting mechanism is available.

6.1.3 Alternative reporting

Alternative reporting to normal channels are available where:

1. The normal reporting channel is considered inappropriate to the circumstances;
2. ASB line management was notified but failed to deal with it; or
3. The person or organization disclosing wrongdoing is concerned about possible retaliation.

External Whistleblowers (people or organizations with a relationship with ASB may provide the report of wrongdoing to The Integrity Line.

6.1.4 Other Complaint Mechanisms

This policy is in addition to:

Grievance procedures for employees, which is for all staff to raise any matters they may have in relation to their work or their work environment, other persons, or decisions affecting their employment. This policy does not replace other reporting structures such as those for dispute resolution, discrimination, victimization or matters.

It is necessary to further an investigation and the Whistleblower consents to the disclosure, and/or:

1. The relating to workplace bullying or harassment.
2. Standard complaint mechanisms for clients or volunteers
3. Any exercising of rights under the terms of their contract by contractors and suppliers

4. An exception to this is where the issue is wrongdoing of a serious nature yet the existing reporting system failed to attend to the issue or has processed it in a substantially inappropriate, grossly unfair or heavily biased manner.

6.1.5 Anonymous reporting

Anonymous reports of wrongdoing are accepted under this policy. Anonymous reports have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather particulars to assist the inquiry/investigation. Specific protection mechanisms cannot be provided.

6.1.6 Integrity Line

The Integrity Line is a hotline to receive disclosures of wrongdoing as well as unresolved reports of wrongdoing. Aside from providing advice about wrongdoing reporting, the Integrity Line will take a wrongdoing disclosure on behalf of the Whistleblower.

The Integrity Line is structured to be independent of line management so that objective assessment of the disclosure can be made.

The Integrity Line may be contacted by:

Email : countryrep@asb-me.org

6.2 Protection

Not all disclosures of serious wrongdoing are protected at law. To meet ASB's philosophy of accepting tip-offs from anyone, ASB adopts the principle of providing protection to people or organizations with a relationship with ASB:

1. At least to the extent of protection at law; and
2. Beyond legal protection wherever it is practical in the circumstances.

6.3 Confidentiality

Generally, ASB will not disclose a whistleblower's identity unless:

1. disclosure is required or authorized by law.
2. When a report is investigated it may be necessary to reveal its substance to people such as other ASB personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.
3. It will be necessary to disclose the facts and substance of a report to a person who may be the subject of the report as it is essential for natural justice to prevail. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.
4. ASB will take reasonable precautions to store any records relating to a report of
5. wrongdoing securely and to restrict access to authorized persons only.
6. Unauthorized disclosure of information relating to a disclosure that could prejudice
7. confidentiality and identify a whistleblower will be regarded seriously and may result in disciplinary action, which may include dismissal. In some circumstance it may be illegal.

6.4 Retaliation

ASB is committed to protecting and respecting the rights of whistleblowers who report wrongdoing in good faith. ASB will not tolerate any retaliatory action or threats of retaliatory action against a Whistleblower, or against a Whistleblower's colleagues, employer (if a contractor, consultant or supplier) or relatives.

For example, a Whistleblower must not be disadvantaged or victimized for having made the report by:

1. Dismissal or termination of services or supply
2. Demotion
3. Discrimination, victimization or harassment
4. Current or future bias
5. Threats of any of the above

Any such retaliatory action or victimization in reprisal for a disclosure made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

6.3 Investigation

All reports of alleged or suspected wrongdoing made under this policy will be properly assessed, and if appropriate, inquired into or independently investigated - with an objective of gathering evidence relating to the claims made by the Whistleblower. That evidence may substantiate or refute the claims made. Investigations must be conducted in a fair and independent manner.

6.4 Disclosure Management

ASB recognizes that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report. ASB takes reasonable steps to treat fairly any person who is the subject of a report, particularly during the assessment and investigation process in accordance with an established support protocol which may be extended to include appointing an independent senior officer in ASB to provide support.

Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries determines that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter laid to rest.

ASB will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the Whistleblower where it is a bona fide disclosure.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

Where an investigation is conducted and the investigator believes there may be a case for an individual to respond, the Investigator must ensure that a person who is the subject of a disclosure:

Is informed of the substance of the allegations;

Is given a fair and reasonable opportunity to answer the allegations before the investigation is finalized;

1. Has their response set out fairly in the Investigator's report; and
2. Is informed about the substance of any adverse conclusions in the investigator's report that affects them.

Where adverse conclusions are made in an investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by ASB against them.

ASB will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.

7. Failure to comply

Any breach of this Policy may result in disciplinary action that could result in severance from the organization.

8. Authority

This Policy has been authorized by the Senior Managers Team and reviewed by the Country Representative.

9. Related Policies

Other organizational policies that should be read in conjunction with this policy and with ASB ethical value principles include:

1. Code of Conduct
2. Conflicts of Interests Policy
3. Fraud Control & Corruption Prevention Policy
4. Gifts & Benefits Policy
5. Performance Counselling Procedure
6. Disciplinary Procedure
7. Managing Underperformance and Misconduct Policy
8. Sexual Exploitation and Abuse Policy