



OPR WHISTLEBLOWING INTERNAL GUIDELINES

PURPOSE

To provide guidelines, through which an Internal Whistleblower can make a disclosure of improper conduct that has occurred, is occurring or is likely to occur in the operations of the Office of Procurement Regulation (Office).

WHO IS A WHISTLEBLOWER?

A Whistleblower is a person who makes a disclosure on a matter of public interest, be it an employee or Member of the Board of the Office of information which shows or potentially shows that improper conduct has occurred, is occurring or is likely to occur.

WHO CAN MAKE A COMPLAINT?

All employees of the OPR and Members of the Board or committees, can make a Whistleblowing Complaint either being identified or remaining anonymous.

However, please note that anonymity may impede a quick or thorough investigation or the success of a later prosecution.

WHISTLEBLOWER PROTECTION

Protection is afforded to any Whistleblower who submits a Whistleblowing Complaint or is party to the Whistleblowing process, in accordance with Section 40 of the Public Procurement and Disposal of Public Property Act, 2015 (as amended) (PPDPPA).

The Whistleblower shall not suffer harassment, ostracism, retaliation, victimization, acts of reprisal or adverse employment consequences as a result of making such disclosures.

Anyone who is found guilty of such action against a Whistleblower who has made a Whistleblowing Complaint in good faith, will be subject to disciplinary action in accordance with the Disciplinary Policy of the Office.

WHAT CAN BE REPORTED?

Incidents, breaches or suspected breaches of: -

Any-

- a) Criminal offence such as bribery, corruption, collusion, fraud, embezzlement, theft etc;
Coercive practices: impairing or harming or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
Collusive practices: an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
- b) Failure to carry out a legal obligation under the PPDPPA;
- c) Conduct that is likely to result in a miscarriage of justice;
- d) Conduct that is likely to threaten the health and safety of a person;
- e) Conduct that shows gross mismanagement, impropriety or misconduct in the carrying out of any activity that involves the use of public funds;
- f) Acts of reprisal against or victimization of a Whistleblower or person related to, or associated with a Whistleblower;
- g) Conduct that tends to show unfair discrimination on a basis of gender, race, place of origin, social class, colour, religion or political opinion / affiliation, or any other status protected by law or convention;
- h) Failure by employees to observe the Office's policies and procedures;
- i) Any other activity that undermines the Office's operations and mission; or
- j) Willful concealment of any act described in paragraph (a) to (i).

SUBMISSION OF COMPLAINTS

All Whistleblowing Complaints shall be processed by the Head - Audit and Investigations, who is the designated Whistleblowing Reporting Officer (or as determined by the Office from time to time). In the absence of the Head- Audit and Investigations, or where the Whistleblowing Complaint is being made against the Head - Audit and Investigations, the Whistleblowing Complaint shall be made to the Head, Legal. Whistleblowing Complaints, whether anonymous or not, can be made via telephone, online/email, in writing or in person.

<p>24/7 Hour Telephone (Whistleblower hotline)- 1-(868)-224-5707</p>	<p>Caller Identification will not be utilized on this hotline. An option for leaving a voice message will be activated for persons that do not wish to speak to someone when utilizing the hotline. All information is treated confidentially and the anonymity of the Whistleblower is always protected.</p>
<p>Online via Whistleblower Security Inc. https://integritycounts.ca/org/opr.</p>	<p>The Office has contracted with a Canadian service provider, Whistleblower Security Inc, to host a website which is designed to ensure that the identity of the Whistleblower remains confidential to any party involved in the process. The online facility can accommodate approximately 150 languages and is available 24/7. The global Whistleblower site can be accessed from any computer anywhere in the world through this link. Whistleblowing Complaints submitted will only be accessed by the Whistleblowing Reporting Officer.</p>
<p>In Writing 1-(868)-224-5707</p>	<p>The report should be typed or written in legible handwriting, in English only, using the designated form (Appendix II) and addressed to the Whistleblowing Reporting Officer. If assistance is required to complete the form the online facility should be used for non-English users.</p>
<p>In Person/Walk in Level 19, Tower D, Port of Spain International Waterfront Centre, 1A Wrightson Road, Port of Spain, Trinidad and Tobago.</p>	<p>The Whistleblowing Reporting Officer or designate will receive and record the Whistleblowing Complaint on the designated form (Appendix II). The Whistleblower will be informed of the next step of the Whistleblowing Procedure. The Whistleblower may be accompanied by a legal representative. In raising a Whistleblowing Complaint, the Whistleblower shall be informed that his/her personal information will be handled appropriately and confidentially.</p>

COMPLAINTS MANAGEMENT

STAGE 1-HANDLING COMPLAINTS

The Whistleblowing Reporting Officer will act on Whistleblowing Complaints after assessing the following: -

Validate that the Whistleblowing Complaint is within the remit of the whistleblowing policy;

The urgency and impact of the Whistleblowing Complaint on the operations of the Office;

The details of the allegation(s) (e.g. Is it clear? Are dates, times, locations, consequences of wrongdoing, names of witnesses provided?); and

The reliability of the information and not hearsay.

Anyone making a Whistleblowing Complaint should be aware that the Office: -

May with the permission of the Whistleblower hand the Whistleblowing Complaint(s) to the Commissioner of Police with a request to investigate the allegations further if deemed appropriate or make a report to the Director of Public Prosecutions who may take such action as he thinks appropriate;

Will provide the alleged defaulter(s) or those implicated in the alleged wrongdoing with copies of the allegation(s) and the principles of natural justice will be applied accordingly;

Will view VERY seriously any false or malicious allegations. Malicious or negligent accusations by employees are considered a matter of gross misconduct; and

Is obliged to fairly treat employee(s) named in anonymous allegations until such time as there may be sufficient evidence to justify any action against them.

STAGE 2-INVESTIGATING THE COMPLAINT

The Whistleblowing Reporting Officer, within five (5) working days of receipt of the Whistleblowing Complaint shall:

- Acknowledge receipt of the Whistleblowing Complaint
- Update the Whistleblowing Log and apply a file ID to each claim.
- Conduct initial assessment of Whistleblowing Complaint to determine the next course of action

The Whistleblowing Reporting Officer /designate shall then:

- Conduct the investigation and gather additional information. The duration and scope of the investigation will depend on the subject matter of the report. In most cases an initial assessment will be conducted to determine whether there are grounds for a more detailed investigation.
- Document the findings of the investigation
- Forward the findings of the investigation to the Chairman of the Whistleblowing Committee.

If a Whistleblowing Complaint is made against any person or position named in this document the following tiered approach would be applied:-

Whistleblowing Complaint made against the **Whistleblowing Reporting Officer or the Management Team** shall be made in writing using the Whistleblowing Complaint form or through the use of electronic mail to the Head, Legal for intake and investigation. Thereafter to the Whistleblowing Committee for determination of the relevant action.

Complaints made against a **Board member** shall be made in writing using the Whistleblowing Complaint form or through the use of electronic mail to the Whistleblowing Reporting Officer, who will then forward to the Whistleblowing Committee for investigation. Thereafter to the Board for consideration and to the Office of the President for the relevant action.

Complaints made against the **Chairman** shall be made in writing using the Whistleblowing Complaint form or through the use of electronic mail to the Whistleblowing Reporting Officer, who will then forward to the Whistleblowing Committee for investigation . Thereafter, to the Board for determination and to the Office of the President of the Republic for the relevant action.

STAGE 3 - CONCLUSION OF INVESTIGATION AND FINDINGS

Upon receipt of the report from the Whistleblowing Reporting Officer: - the Whistleblowing Committee is responsible for reviewing the findings and recommendations of the investigation and determining the necessary course of corrective action (if any) with the input of advisors and Management.

The Whistleblowing Committee shall report any legal or regulatory non-compliance to the Board and ensure that Management takes the corrective action including where appropriate, reporting any violation to relevant governmental and/or law enforcement authorities and disciplinary action.

Upon conclusion of the review by the Whistleblowing Committee, the Whistleblowing Reporting Officer shall report the outcome of the investigation to the Whistleblower in writing.

DETAILS OF THE WHISTLEBLOWING COMPLAINT

The complaint should contain the following information: - ***Optional**

Name*	
Address*	
Email Address*	
Telephone and Mobile Contact*	
Date of Whistleblowing Complaint	
Date of Improper Conduct	
Duration of Improper Conduct	

<p>Indicate whether the improper conduct is ongoing</p>	
<p>Indicate whether the matter was previously recorded and to whom</p>	
<p>Location of Improper Conduct</p>	
<p>Additional Details of Improper Conduct</p>	
<p>The alleged defaulter(s) information:</p> <p>(name, designation, company, contact number, email address, social user handles)</p>	
<p>Information on possible witnesses:</p> <p>(name, designation, company, contact number, email address, social user handles)</p>	
<p>Documents Submitted/Evidence relied upon</p> <p>You should not attempt to obtain evidence for which you do not have a right of access; as such, Whistleblowers are “reporting parties” not investigators.</p>	

The list of individuals below may receive a copy of this case report. If you believe any of the individuals are implicated in the case and do not wish them to receive a copy, please check the box next to their name.

Moonilal Lalchan Chairman/Procurement Regulator <input type="checkbox"/>	Sharda Nanan Head – Audit and Investigation <input type="checkbox"/>	Lindy-Ann Mitchell Head – Legal <input type="checkbox"/>
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If there are any other individuals who are involved in the case, who are not listed above, please list them here:

Level of Anonymity:

Strictly Anonymous <input type="checkbox"/>	Anonymous from Your Organization <input type="checkbox"/>	Contact Information Provided <input type="checkbox"/>
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Any Additional Information

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Declaration: I hereby declare that the details furnished above are true and correct to the best of my knowledge and belief. I undertake to inform the Office of Procurement Regulation of any changes herein immediately. I am aware that I may be held liable for any false utterances and/information provided in this form.

Signature*

Date

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