



# ADMINISTRATIVE NOTE ON THE PROTECTION OF WHISTLEBLOWERS AGAINST RETALIATION

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## INTRODUCTION

In accordance with **Article 7.4** of the Anti-Fraud, Corruption, Money Laundering and Terrorist Financing Policy, this note accompanies the implementation of this policy as well as the implementation of the policy on sexual abuse.

The Protection from Retaliation Policy at Solthis promotes the identification and prevention of prohibited practices to ensure transparent and accountable operations. Solthis' anti-retaliation objectives are achieved by providing protection to employees and stakeholders who report fraud, corruption, money laundering, sexual abuse and other prohibited practices, or who cooperate with a duly authorized audit or investigation.

A staff member who has reported allegations of wrongdoing or cooperated with a duly authorized audit or investigation and who has been the victim of retaliatory action as a result shall be entitled to protection. Solthis volunteers or interns have the same protection rights as staff and service providers to the extent possible.

### 1- GOAL

1.1. Solthis is committed to ensure that all of its employees meet the highest standards of conduct and integrity. This commitment includes reporting and acting on any breaches of these standards. Solthis does not tolerate any form of retaliation against colleagues and other stakeholders who report misconduct or engage in any other protected activity as defined in this administrative

note. Thus, the purpose of this memorandum is to protect Solthis staff members who report misconduct and/or engage in other protected activity as defined in the memorandum (see 3. Protected Activity), to enable them to do so without fear of reprisal or retribution, and to foster an environment in which the association can operate in a fair, transparent and accountable manner.

1.2. The Administrative Notice defines its scope and sets out the procedures necessary to protect Solthis staff and stakeholders from hostile action that may adversely affect their employment, performance or working conditions, where such action has been recommended, is being taken or is about to be taken to punish, intimidate or otherwise prejudice an individual for engaging in a protected activity as defined in this Administrative Notice.

### 2- SCOPE OF APPLICATION

2.1. The administrative note applies to Solthis staff members (including volunteers and interns) as well as service providers to the extent possible.

2.2. This administrative note does not apply to staff members of Solthis implementing partners and associations.

2.3. Compliance with this administrative note is mandatory for Solthis staff.

### 3- PROTECTED ACTIVITY

3.1. Solthis employees are expected to uphold the highest standards of efficiency, competence and integrity. They are required to report "any breaches of the Staff Regulations, Staff Rules, fraud, corruption and money laundering, sexual abuse [...] and to cooperate in any duly authorized audits and investigations", as provided for in Article 7.4 of the Solthis Anti-Fraud, Corruption and Money Laundering Policy. In addition, they must cooperate in duly authorized evaluations, investigations and reviews.

3.2 Therefore, under this administrative note, any Solthis employee is entitled to be protected from retaliation if they engage in the following protected activities:

- Good faith reporting of a prohibited practice (corruption, money laundering, fraud, financing of terrorism, sexual abuse);
- Cooperation in an audit, investigation, request for information, evaluation or review duly authorized by the Board of Directors and/or the Executive Committee of Solthis;

3.3 If a Solthis employee or stakeholder engaged in a Protected Activity may seek protection from retaliation, neither the request nor the engagement in the activity will relieve the individual from accountability for his or her own conduct in the matter. Notwithstanding the person's request for protection against retaliation or engagement in protected activity, the person concerned may be subject to disciplinary

proceedings or other appropriate action for his or her alleged role in the matter. Neither the investigation nor the imposition of a disciplinary sanction or other appropriate measure arising from responsibility for the matter under investigation constitutes retaliation within the meaning of this administrative note.

3.4 The transmission or dissemination of unfounded rumors is not a protected activity. Deliberately providing inaccurate or misleading information is a breach which may result in disciplinary action or other appropriate measures.

### 4- REPRISALS

4.1 For the purposes of this administrative note, retaliation means any direct or indirect adverse administrative decision and/or action that is threatened, advocated or taken against a staff member who:

- Reported a suspected prohibited practice that poses a significant risk to Solthis; or
- Cooperated in a duly authorized audit or investigation of a reported Prohibited Practice.

4.2 Reprisal therefore involves three elements:

- A report of an alleged prohibited practice that poses a significant risk to Solthis, i.e., harming its interests, reputation, operations or governance
- A direct or indirect adverse action that is threatened, advocated or taken against a member of staff as a result of the report of a suspected prohibited practice; and

- A causal link between the report of an alleged prohibited practice and the act of retaliation or threat thereof.

4.3 The adverse action(s) that may constitute retaliation against a person who reports a prohibited practice, as defined in section 4.2, may include, but is not limited to, the following

- Harassment ;
- Discrimination;
- Unfounded negative assessments of the staff member's work;
- Unjustified contractual changes: end of contract, demotion, transfer, etc;
- Unjustified changes in duties;
- Unjustified refusal of leave and other types of absence;
- Undue delays in authorizing travel or in granting benefits to the staff member;
- Threats to the person reporting wrongdoing, their family and/or property, including threats that may be external to Solthis;
- Legal action. Acts of retaliation constitute serious misconduct at Solthis and will be subject to disciplinary action.

## 5- ABUSIVE REPORTING AND REPRISAL AGAINST AN OUTSIDER

5.1 **Reporting:** Improper reporting of prohibited practices without evidence or reasonable suspicion, made with the intention of damaging the integrity or reputation of a third party, constitutes serious misconduct and will be subject to disciplinary action. This is to be distinguished from reports of suspected wrongdoing made in good faith and based on

the belief and information available to the person suspecting wrongdoing at the time of reporting the suspected wrongdoing, which may not be confirmed by the subsequent investigation. In such cases, persons reporting wrongdoing are covered by this policy.

### 5.2 Prohibition of Reprisals Against Non-Solthis

**Personnel:** any retaliatory action taken against a provider or its employees, an implementing partner association or its employees, beneficiaries, or any other person dealing with Solthis, including for reporting a prohibited practice, may, if established, result in disciplinary or other appropriate action against the retaliator if he or she is under contract with Solthis.

## 6- PRINCIPLES

6.1. Solthis employees have an obligation to report suspected Prohibited Conduct. Persons who report suspected Prohibited Practices in good faith are entitled to protection from retaliation in accordance with the provisions of this Administrative Memorandum.

6.2. It is the duty of Solthis to remedy the alleged prohibited acts and to take:

- Effective measures to protect the person reporting a prohibited practice from possible reprisals;
- Appropriate remedial measures to redress acts of retaliation against the person reporting a prohibited practice; and
- Appropriate disciplinary measures for serious misconduct, including against those who make false accusations.

**6.3. Confidentiality:** The identity of a person seeking advice to report a prohibited practice is protected. Confidentiality will only be breached with the express consent of the person concerned or where there is a clear and imminent danger to that person or another. His or her name shall not be revealed to the person potentially involved in the prohibited practice or to any other person, unless the person reporting the prohibited practice authorizes the disclosure of his or her identity. In the subsequent investigation process, strict confidentiality can only be maintained if the information provided in confidence can be independently corroborated.

**6.4. Anonymity:** Reports of a prohibited practice shall remain anonymous; communication channels shall be made available. Investigations and preliminary examinations may be undertaken anonymously whenever possible. However, it is important that anonymous reports of prohibited practices contain sufficient evidence for the investigation, thus avoiding the whistleblower being asked for more information.

## **7- PROTECTION AND REDRESS MEASURES**

**7.1** The Human Resources Department may recommend appropriate protective measures to the Director General, in order to safeguard the interests of the person reporting a Prohibited Practice and to protect him or her from possible retaliation at any time after the report. It is recommended that, with the consent of the person reporting a Prohibited Practice,

protective measures be taken which may include, but are not limited to, the following measures:

- Temporary or permanent change of posting ;
- Placement on paid leave;
- Authorization to work from home (teleworking);
- Transfer to another function or to another department;
- Unexpected departure of staff and their families from a mission to their country of departure on mission.

**7.2** Where the investigation establishes that there has been retaliation against the person who reported a prohibited practice, and on the basis of the conclusions of the investigation report by human resources or an external expert, the Bureau of the Board, shall decide on appropriate remedial measures. Any staff member found to have suffered an act of retaliation shall be entitled to redress. Remedial measures may include, inter alia, in agreement with the person concerned, a return to the situation prior to the reprisal, or assignment to another mission or to other positions for which the person is qualified.

## **8- NOTIFICATION OF REPRISALS**

**8.1** Reporting Channel: Individuals who have reported a Prohibited Practice and believe they are being retaliated against should report this directly to the General Manager/Human Resources Director via the confidential Solthis reporting email address: [solthishotline@solthis.org](mailto:solthishotline@solthis.org)

8.2 Where the person reporting a wrongdoing feels that he or she is the subject of a reprisal, he or she should report the alleged reprisal as soon as possible. The notification should be factual and contain as much accurate and verifiable information as possible to allow for a proper assessment of the nature, scope and urgency of the investigative team's response.

8.3 In order to assist staff members who are not familiar with this note and who are unsure about the need to report, the Human Resources Department remains available to any person who suspects wrongdoing for confidential and impartial advice and support.

8.4 The Human Resources Department responds first to individual enquiries about possible retaliation, offer advice, investigate complaints, forward information to the appropriate party, and may recommend measures to protect the person reporting the alleged wrongdoing from retaliation.

## **9- IMPLEMENTATION AND UPDATING**

This note comes into force on the date of signature and is updated annually.