

*Draft*

# **WHISTLEBLOWING POLICY**

**Manusher Jonno Foundation (MJF)**

<b>Reviewer and Approval</b>
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This Whistleblowing Policy has been reviewed and approved by the undersigned.
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<b>Position</b>	<b>Signature</b>	<b>Date</b>
Chairperson, Governing Board, MJF		
Executive Director, MJF		
Director, Admin and Finance, MJF		

## Table of Contents

Sl. No.	Topic	Page
	Approval	2
	Table of Content	3
1.	Introduction	4
2.	Background	4
3.	Objective of the Policy	5
4.	Scope of the Policy	6
5.	Management Commitment	7
6.	Role and Responsibilities	8
7.	Procedures	9
8.	Flowchart of Whistleblowing Procedure	12
9.	Protection for the Whistleblower	12
10.	Ownership and Review of the Policy	13
11.	Definition	14

## **1. Introduction**

This Policy address commitments of the Manusher Jonno Foundation (MJF) to promote and ensure integrity and ethical behaviour through facilitating to foster and maintaining an environment where employees including the consultants, partner and beneficiaries of the organizations can act appropriately, without any fear of reprisal and retaliation. With an aim to maintain this standards, the MJF encourages its employees, consultants, partners and beneficiaries who may have concerns about a suspected serious misconduct or any breach or suspected breach of the codes of conduct of the organization, applicable laws or regulation that may adversely impact the organization, to come forward and express those concerns without fear of punishment or unfair treatment.

## **2. Background**

The MJF is dedicated to promote and uphold human rights. It recognizes that the employees (including the consultants), officials of partner organizations, beneficiaries, from time to time, may have concerns about what is happening at service delivery, but are afraid to report those concerns.

Those concerns may not be limited to fraud, corruption or misappropriation of organizations resources, but possible misconduct covering a wide range of bad practices, including behaviour that is not in line with organizational values and principles. Such malpractices can be continuous, likely to happen or even have happened. These policy and procedures are designed and adopted to encourage and facilitate to voice concerns internally and promptly so as to prevent or bring remedy to acts of misconducts.

This policy is adopted in line with the recommendations from the Enhanced Due Diligence Assessment (EDDA) of the MJF which has been undertaken by the development partner, the UKAID (2018).

### **3. Objectives of the Policy**

This Policy is intended to encourage employees and other relevant stakeholders of the MJF to report perceived unethical conduct of employees, management, partners and other stakeholders across and in connection with the organization to authorities in a confidential manner without any fear of harassment, intimidation, reprisal or victimization of anyone for raising/reporting any concern under this policy. Specific objectives of the policy are as following:

- a. To ensure all employees and related stakeholders feel supported in raising in/speaking up in confidence and reporting issues which they consider as may involve improper, unethical or inappropriate conduct within the organization.
- b. To provide avenues for employees (including the consultants), partners, beneficiaries to raise concerns and device ways to handle these concerns.
- c. To enable management to be informed at an early stage about any act of misconduct.
- d. To reassure employees and other concerned that they will be protected from punishment or unfair treatment for disclosing concerns in good faith in accordance with this procedure.
- e. To help develop a culture of openness, transparency, accountability and integrity in the organization.

#### **4. Scope of the Policy**

The Policy is to govern the reporting, investigation and management of improper or illegal activities at the MJF (including its partners) as well as the protection offered to the Whistleblower. However, the policy does necessarily not apply to or change the organizational policy and procedures for individual employee grievance or complaints related to job performance, terms and conditions of employment, which will continue to be administered (and reviewed as required) the MJF.

Reportable misconducts covered under this policy include:

- All forms of financial malpractices or impropriety such as bribery, fraud, corruption, theft or concealment;
- Failure to comply with legal obligations, statutory and regulatory directives;
- Actions detrimental to health, safety, work environment and security of the employees;
- Any form of criminal activity;
- Improper conduct or unethical behaviour that undermines universal and core ethical values such as accountability, integrity, honesty, fairness and respect;
- Non-disclosure of conflict of interest;
- Sexual or physical abuse of employees, service providers, beneficiaries and other relevant stakeholders; and
- Attempt to conceal any of the above listed acts.

However, the above listed reportable misconducts or concerns are not exhaustive. The judgement and discretion are required to consider misconduct that should be reported under this policy.

This policy shall cover the activities of the MJF partners currently under agreement for implementation of project activities. This is without prejudice to the regulatory requirements of respective organizations. Furthermore, this policy shall be read in conjunction with other policies currently in operation.

Finally, the policy does not cover individual employee grievance and other employee related matters already covered in the staff handbooks/service policy of the MJF.

## **5. Management Commitment to the Policy**

The MJF is engaged in an environment with a particular concern for human rights and equality. The organization is dedicated to raising awareness of the harmful consequences of human rights, and to advancing the values of equality, diversity, accountability and transparency. With such a mission, MJF must be especially vigilant about risks of harassments and other malpractices and fraud within the organisation. The MJF Governing Board and Senior Management are therefore committed to hear any of that may potentially impact the organization's core values- in particular human rights and equality, e.g., suspicion of harassment or fraud in relation to MJF employee or partner organization.

The Management of the MJF including the Governing Board are aware of this policy and procedure for employees and other related stakeholders to disclose malpractices without fear of reprisal and victimization. It is intended that employees take their responsibilities seriously and also help to avoid any negative publicity that often accompanies disclosure to external parties.

Hence the Governing Board and the Senior Management are committed towards promotion of a culture of openness, accountability, transparency and integrity, and will not tolerate any discrimination, harassment and victimization of the Whistleblower provided such disclosure is made in good faith with reasonable belief that what is being reports is based on fact.

## 6. Roles and Responsibilities

The following are designated roles and responsibilities of key parties in the whistleblowing process:

SI No.	Responsible	Responsibilities
1.	Whistleblower	Whistleblower is expected to act in good faith and should refrain from making any false accusation while reporting his/her concern(s); and also to provide further evidence at his/her disposal to aid investigation of the issues already reported.
2.	Suspect	Suspect has a duty to cooperate during the period of investigation including providing relevant information, documents or other materials as may be required by the investigator.
3.	Investigator, e.g., Executive Director	<p>The Executive Director is expected to handle all matters with high professionalism. S/he, as authorized, shall be independent and unbiased in carrying out any investigation.</p> <p>The Executive Director shall have the responsibility of acknowledging all concerns reported and reporting on the progress of investigating to the Whistleblower.</p> <p>The Executive Director shall on a quarterly basis provide to the Chairperson of the Governing Board a summary of all cases reported and the result of the investigation.</p> <p>S/he shall refrain from discussing or disclosing matters under investigation.</p> <p>The Executive Director may delegate his/her responsibilities in writing for time being to a Senior Staff Member, i.e., Director (Admin and Human Resources) and/or Gender Adviser.</p> <p>If in case, the alleged misconduct is concerning any of the Designated Official, the Governing Board shall designate one of its Members to perform as an Investigator for the particular case.</p>
4.	Head of Human Resources/ Human Resources Manager	The Head of Human Resource of the organization shall handle the report of investigation that relates to organizations' employees in line with the laid down disciplinary procedure as contained in organization's Staff Hand Book/Service Rules.
5.	Governing Board	The Chairperson, Governing Board through the Executive Director (Ex-Officio Member of the Board) shall make available to all Board Members related reports on a quarterly basis. Given the importance of the matter reported the Board

## **7. Procedures**

The Whistleblowing procedures involve various steps that should be taken into consideration by the Whistleblower and all concerned in reporting any misconduct, and steps required for the investigation of the alleged misconduct. The following procedures shall guide the whistleblowing process:

### **7.1 General Guidelines**

This Policy is to presume that employees (and others) will act in good faith and will not make false accusations when reporting an alleged or suspected misconduct. If an employee who knowingly or recklessly does make a statement or disclosure that are not in good faith may be subjected to disciplinary procedures; this may include termination of employment if misconduct is proved. If an employee who reports an act of misconduct pursuant to the Policy can and will continue to be held to the organization's general employment performance standards and adherence to the organization's policies and procedures.

### **7.2 Reporting Allegations of Misconduct or Improper Activities**

Following are procedures for reporting of misconduct or improper activities:

1. Any person may report an allegation of suspected misconduct or any breach or suspected breach of law or regulation that may adversely impact the MJF, the organization's members, employees, partners, beneficiaries or the public at a large.
2. An act of misconduct may be disclosed in writing, telephonically or in person. However, all reports are encouraged to be made in writing, so as to assure a clear understanding of the issue raised.
3. Individuals are recommended to self-identify, though it is not a requirement of the policy.
4. All reports should be sent directly to the Whistleblowing Committee as proposed below. Contact information of the Whistleblowing Committee members are as following:

**Chairperson:**

**Ms. Shaheen Anam**

Executive Director

Manusher Jonno Foundation (MJF)

Address:

Phone:

E-mail:

**Members:**

a) Name:

Director (Admin and Finance), MJF

Address:

Phone:

E-mail:

b) Name:

Gender Adviser, MJF

Address:

Phone:

E-mail:

The common contact address for the committee is as following:

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5. In case of reports sent through an e-mail, it is recommended to mark the subject-line as “MJF Whistleblower” for ease of identification.
6. Although the Whistleblower is not expected to prove the truth of an allegation, however, she/he needs to demonstrate to the person contacted that there are sufficient grounds for concern.

### **7.3 Investigation of Alleged Misconduct or Improper Activities**

Following are listed procedures for investigating an alleged misconduct or improper act:

1. The Whistleblower Committee member who receives a report will notify the sender and acknowledge receipt of the reported violation or suspected violation within five working days.
2. The Committee Members shall meet to discuss about the action/investigation on the reports received from the Whistleblower. The Committee may also exclude from its meetings any person it deems appropriate, depending on the nature of the complaint.
3. The Committee Members shall have the responsibility to conduct investigation. In addition, other parties may also be involved in the investigation.
4. The Committee Members will ensure investigations are carried out using appropriate procedure, channels, resources and expertise.
5. Some concerns may be resolved by agreed action without the need for an investigation. Concerns about allegations which fall within the scope of specific procedures of the MJF will be referred for consideration under those procedures.
6. The Committee Members will report to the Chairperson of the Committee on a periodic basis about the reports received and actions taken.
7. The Management of the MJF reserves the right to make any decision based on the findings by the Whistleblowing Committee.

## 8. Flow Chart of Whistleblowing Procedure



## 9. Protection for the Whistleblower

It is the policy of the MJF to protect the Whistleblower who have reported/disclosed any concern, provided the disclosure is made-

- With reasonable belief that it is intended to show impropriety or malpractice;
- To an appropriate person or authority; and
- In good faith without malice or mischief.

Provided that all disclosure received from the Whistleblower shall be treated with level of confidentiality, employees of the MJF and other related stakeholders are encouraged to disclose their name to make the report more credible. The MJF shall take into consideration following steps in case of unanimous disclosures:

- Seriousness of the issues reported;
- Significance and credibility of the concern; and
- Possibility of confirming the concern/allegation.

The MJF shall not make the Whistleblower subject to any detriment. While a Whistleblower does feel unfairly treated for the action reported, the Whistleblower shall be at the liberty to report his/her concerns to the Chairperson of the Governing Board, MJF. This shall be without prejudice to the right to take an appropriate legal action.

If necessary, compensation for the Whistleblower whether internal or external who may have suffered from any detriment shall be at the discretion of the Management of the MJF.

Any retaliation, including but not limited to, any act of discrimination, harassment, reprisal, demotion, dismissal, suspension, or any other occupational or professional detriment, direct or indirect, threatened, recommended or taken against the Whistleblower because she//he has made/disclosed in accordance with this policy will be treated as gross misconduct and dealt with accordingly.

The Whistleblower is obliged to make sure that they do not make any disclosure outside of the prescribed channels, i.e., media, or their disclosure may not be protected.

#### **10. Ownership and Review of the Policy**

The Whistleblowing Policy remains the property of the MJF; however, its custody and management shall be rested with the Executive Director of the organization.

This policy document and procedure shall be subject to review every year or as may be required. All suggestions for amendments or reviews shall be forwarded to the Executive Director, MJF.

## 11. Definition of Terms

Terms	Definition
<b>Complaint</b>	An allegation or concern that is subjected to investigation by the appropriate authority.
<b>Good Faith</b>	Good faith is referred to while any report is made without malice or consideration of personal benefit and the employee has a reasonable basis to believe that the report is true; provided that a report does not have to be proven to be true to be made in good faith. Good faith is lacking when the disclosure is known to be malicious or false.
<b>Investigation</b>	A process which is designed to gather and analyse information in order to determine whether an alleged misconduct has occurred and if so the party or parties responsible.
<b>Misconduct/Improper Activities</b>	A misconduct or improper act may include, but not limited to, fraud including financial fraud and accounting fraud, violation of laws and regulation, violation of organization policies, unethical behaviour or practices, endangerment to public interest and safety and negligence of duty.
<b>Partner</b>	Any organization which has signed an agreement with MJF for implementation of activities.
<b>Suspect</b>	A person who is alleged to have committed a misconduct and subject of investigation.
<b>Whistleblower</b>	Any person including the employees, consultant, Management, Governing Board Members of the MJF, applicants for employment, vendors, contractors, partner organizations and/or its staff members, beneficiaries or general public. The Whistleblower is a reporting party. They are not investigators or fact-finders of fact, nor do they determine the appropriate

<b>Terms</b>	<b>Definition</b>
	corrective or remedial action that may be warranted for (in a given situation).
<b>Whistleblowing</b>	The act of reporting an observed and/or perceived misconduct of employees, Management, Governing Board Members and other related stakeholders of the MJF by an employee or other person to appropriate authority. It is an early warning mechanism; and aims to enable the organization to find out when something is going wrong in time to take appropriate corrective action.