



WHISTLEBLOWER POLICY

1. Introduction

HELNETAS Swiss Intercooperation (hereinafter: HELNETAS) is committed to operate

- Legally; in accordance with applicable legislation and regulation
- Properly; in accordance with organisational policy and procedures
- Ethically; in accordance with recognised ethical principles

HELNETAS' regulations and guidelines require directors, employees, external consultants and employees of collaborative organisations to observe high standards in the conduct of their duties and responsibilities. They all must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. They are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary by reporting non-compliant actions by other people. Correspondingly, HELNETAS is committed to protect people who raise concerns through the complaint mechanism from being penalised in any way.

2. Purpose

The Whistleblower Policy meets the following objectives:

- Encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to HELNETAS or damage to its reputation, on a confidential basis
- Enable HELNETAS to deal with complaints in a way that will protect the identity of the whistleblower as far as possible and provide for the secure storage of the information provided;
- Establish appropriate instruments and procedures for protecting whistleblowers against reprisal and retaliatory actions by any person internal or external to the entity;
- Provide for the appropriate reporting channels;
- Help to ensure HELNETAS maintains the highest standards of ethical behaviour and integrity.

3. Scope

This policy applies to HELNETAS employees and every other person working for HELNETAS. HELNETAS has introduced these procedures to enable employees and other persons to raise or disclose concerns about malpractice at an early stage and in the right way. They apply in all cases where there are genuine concerns, regardless of where this may be and whether the information involved is confidential or not.

The scope of this policy covers the following matters warranting complaints, including but not limited to information concerning:

- an act or omission constituting a violation of HELNETAS policies, standards or practices;
- an act or omission constituting an offence under any provincial, national or federal legislation;
- an act or omission that creates a substantial and specific danger to the life, health or safety of persons or to the environment;
- gross mismanagement.

4. Definition

“A Whistleblower is an individual who is motivated by morality, voluntarily, and does not tolerate illegal activities, negligence, or misuse and conveys the information to the [...] institution or to the relevant representative. An analogy to the whistleblower is a natural voice in an organization is there to scrutinize any possibilities of negligence or wrongdoing, which may endanger public interests.”¹

In general, whistleblowers are classified into two broad categories: internal and external whistleblower². An internal whistleblower is an employee of a company or institution who reports an act that violates laws, statutes and policies to other employees or superiors in the same company. Meanwhile, an external whistleblower is an individual or group not employed and not a member of the organization who reports wrongdoing by the organization.

5. Responsibilities

5.1. Individual Responsibility

This Whistleblower Policy is intended to encourage and enable employees and other persons working for HELVETAS to raise concerns so that HELVETAS can address and correct inappropriate conduct and actions. It is the responsibility of all board members, employees to report concerns about violations of HELVETAS's regulations and policies that govern HELVETAS' operations.

5.2. Acting in Good Faith

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegation that prove not to be substantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense. It may also result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

5.3. Managerial Responsibility

Managers have a specific responsibility to facilitate the operation of this policy and to ensure that staff members and other persons working for HELVETAS feel able to raise concerns, without fear of reprisals, in accordance with the procedure set down below.

6. Reporting Procedure

Whistleblowers can raise their concerns through the HELVETAS' complaint mechanism (cf. Guidelines on dealing with Corruption, Fraud, Conflicts of Interest).

¹ Nurhidayat, Ilham and Bevaola Kusumasari. 2017. Revisiting Understanding of The Whistleblowing Concept In The Context of Indonesia. *Policy and Governance Review* 2017 (Vol. 1(3)): pp. 165-177

² Rowe, M., 1993, Option and choice for conflict resolution in the workplace: pp. 105 – 119. In L. Hall (Eds.), *Negotiation: Strategies for Mutual Gain*. USA Sage Publications, Inc.

7. Whistleblower Protection

7.1. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistleblower. If disciplinary or other proceedings follow the investigation, it may not be possible to take action without the help of the whistleblower, so (s)he may be asked to come forward as a witness. Advice and support will be offered.

7.2. Protection from Retaliation

Protection of whistleblowers is an international requirement, e.g. under the United Nations Convention against Corruption (2003) and the Council of Europe Civil Law Convention on Corruption (1999). Therefore, and within the scope of art. 336, para. 1 of the Swiss Code of Obligations, no director, employee or other whistleblower who, in good faith, reports a concern will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes unwarranted disciplinary action, victimisation and in the case of an employee, adverse employment consequences. If the whistleblower feels to be subjected to a detriment within the workplace as a result of raising concerns under this procedure, (s)he should inform the notification officer immediately. Staff members who victimise or retaliate against those who have raised concerns under this policy as a consequence of such action will be subject to disciplinary action.

7.3. Support to Whistleblowers

Once a concern is reported, HELVETAS will allocate a key contact person to the whistleblower to keep him/her up to date with the matter and provide any specific support that he or she may need. Additional support can include medical, psychological and legal assistance among others and shall be decided upon in dialogue with the whistleblower both during the case handling as well as after if needed.

8. Area of Applicability and Date of Enforcement

This policy applies to all employees worldwide in any contractual relationship with HELVETAS (including Board of Director members, employees of collaborative organisations, interns and volunteers) at all times during their assignment with HELVETAS.

All organisations HELVETAS collaborates with are made aware of HELVETAS policies and regulations during partnership negotiations.

The present Whistleblower Policy has been approved by the Board of Directors on December 1st, 2018. It comes into force on January 1st, 2019.

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