

Does UNHCR have a policy to protect staff who report misconduct?

UNHCR's policy on protection of individuals against retaliation (Whistleblower policy) is outlined in IOM/FOM No. 43/45 of 15 September 2008. This policy is a crucial tool for preserving public trust. By providing protection to persons who report misconduct or who cooperate with authorised authorities, individuals can be empowered to act in the best interests of the Organisation without fear of repercussions or retaliation. This protection therefore encourages staff (and others) to report wrongdoing, providing the Organisation the opportunity to address misconduct. This serves to reinforce public confidence in UNHCR, strengthening our ability to deliver our mandate on behalf of those we serve.

How is retaliation defined?

Retaliation means any direct or indirect detrimental action recommended, threatened or taken *because* an individual engaged in an activity protected by the whistleblower policy. In other words, the retaliation takes place as a result of a person reporting misconduct or cooperating with a designated authority. When established, retaliation is by itself misconduct.

Does this policy address all forms of retaliation?

No. This policy deals only with instances where the individual concerned has:

- Reported misconduct to an appropriate authority such as the Inspector General's Office:

or

- Cooperated with or participated in a duly authorised audit, inspection, investigation or inquiry or with the Ombudsman.
- and*
- Has been retaliated against or threatened as a result.

NOTE: Any complaints of retaliation as outlined in this policy should be made directly to the UNHCR Ethics Office. All other forms of misconduct, including abuse of authority, harassment or other violations of the regulations and rules and of UNHCR's Code of Conduct, must be reported directly to the Inspector General's Office (IGO).

What is the role of the Ethics Office under this policy?

The Ethics Office was established to assist in ensuring that all staff members observe and perform their functions consistent with the highest standards of integrity required by the UN Charter, staff regulations and rules, and relevant guidelines and policies. The Ethics Office ensures protection where appropriate for persons reporting retaliation. The main responsibilities of the Ethics Office under this policy are to:

- ✓ Receive complaints of retaliation for reporting misconduct or cooperating with an authorised authority.
- ✓ Keep a confidential record of all such complaints.
- ✓ Conduct an initial review of the complaint to determine whether it falls under the whistleblower policy.
- ✓ Refer the case as needed to the IGO for a full investigation, *while* advising the High Commissioner on possible steps required to protect the person(s) concerned immediately pending the outcome of the investigation.

- ✓ Following the IGO investigation, advise on next steps, including mitigation of any negative consequences for the complainant.

Who can approach the Ethics Office under this policy?

Anyone having a direct contractual link with UNHCR, including staff members, UN volunteers, consultants, and interns, can approach the UNHCR Ethics Office for assistance under this policy. Retaliatory measures against outside parties, such as a contractor or its employees, agents or representatives, persons of concern to UNHCR, or persons deployed to UNHCR offices and persons otherwise dealing with UNHCR will be considered misconduct. Reports of retaliation must be made in good faith (that is an honest belief, on reasonable grounds, that your report is true). Making a report or providing information that is intentionally false or misleading constitutes misconduct. It is the duty of staff members to report misconduct, and this policy ensures that staff can fulfill this duty without fear of recrimination.

Key References

- IOM/FOM 40/42, 6 June 2008, UNHCR Ethics Office Terms of Reference
- UNHCR IOM/FOM 43/45 15 Sept. 2008, Protection of Individuals against Retaliation for Reporting Misconduct (Whistleblower Policy).
- UNHCR Code of Conduct

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How do I report retaliation?

If you believe you have been subjected to retaliation or a threat of retaliation *because* you reported misconduct or cooperated with an authorised authority, you should:

- Advise the Director, UNHCR Ethics Office.
- Forward confidentially to the Director any information or documentation available to support your complaint.
- Ensure you forward your complaint and the information promptly, no later than 90 calendar days from the date the retaliatory act becomes known to you.
- Make your complaint in person or by phone, mail, e-mail or fax.
- Be sure that all information is accurate to the best of your knowledge, and is obtained lawfully and reasonably.
- Adhere to the rules concerning *confidentiality*. Do not transmit or disseminate unsubstantiated rumours. This is not a protected activity and it is important to allow a proper investigation to take place. See the policy outlined in IOM/FOM 43/45 for procedures to follow.
- Take note of the guidelines on reporting retaliation. In certain instances it may be acceptable to use an alternative reporting mechanism (see the policy details). Do not accept payment in such cases for reporting.
- Seek advice from the Ethics Office if in doubt about any of the procedures outlined or the protection scope under the policy.

*This brochure is a general guide only.
For more information on the protection
policy or related issues, contact the
UNHCR Ethics Office directly.*

CONFIDENTIALITY

*The Ethics Office maintains confidentiality
as set forth in its Terms of Reference.*

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THE UNHCR ETHICS OFFICE

**A Guide to Protection Against Retaliation
for Reporting Misconduct or Cooperating
with an Authorised Authority**



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