

UNCAC Coalition

Whistleblowing Policy and Procedure

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I. Policy Statement

In keeping with its core values of accountability, integrity, and transparency, the UNCAC Coalition (hereafter: the Coalition) is well aware of the important role of whistleblowers in preventing or detecting wrongdoings. Consequently, the objective of this policy is to encourage individuals to report any concern and any perceived misconduct regarding its operations within its ranks, and to cooperate with authorised investigations or audits without fear of retaliation by protecting those who make reports and addressing violations of this policy.

The Coalition does not tolerate retaliation and is committed to providing a workplace where everyone feels safe and confident to speak-up against wrongdoing against themselves or the organisation without fear of negative consequences.

The Coalition also recognizes the importance of establishing a procedure for its employees, volunteers, consultants, and other stakeholders to report wrongdoings without fear of reprisal.

To such end, this policy:

1. Creates a proactive scheme for processing and addressing retaliation and misconduct.

2. Identifies when and to whom it applies.
3. Defines protection measures.
4. Defines mechanisms for its implementation, monitoring, and evaluation.

The Coalition aims to create awareness of this policy by making it easily accessible on its website and by referring to it whenever relevant.

1 Scope

This policy applies to all current or former employees, applicants for employment, interns, volunteers, consultants, board members and other stakeholders in the context of their work within or on behalf of the Coalition.

a. Protected Disclosure

For this policy to apply, the above-listed individuals must have a reasonable belief they have been subjected to, affected by, witnessed, received information about, or otherwise suspect any current or past, realised, attempted, or planned wrongdoing.

The policy applies to persons described in subSection I.1 who report, or are about to report, any form of possible wrongdoing, including, inter alia:

- crimes, comprising all forms of corruption, fraud and embezzlement,
- breach of any other legal obligation,
- financial or ethical irregularities,
- any violation of a Coalition policy,
- workplace conditions that may significantly threaten health and safety, or
- a substantial threat to the Coalition's mission as defined by this policy.

Substantial threats to an organization's mission refer to risks and challenges that have the potential to significantly hinder or undermine the achievement of its core goals, objectives, and purpose. These threats can vary widely – common types of threats that can be considered substantial include:

1. **Financial Threats:** Financial instability, loss of funding, budget constraints, and unexpected expenses that put at risk the organization's ability to execute its mission.
2. **Reputation and Public Relations Threats:** Negative publicity, scandals, misinformation, and damage to the organization's reputation.
3. **Operational Threats:** Disruptions to day-to-day operations due to technical failures, cyberattacks, or other logistical issues can impede an organization's ability to deliver on its mission.
4. **Regulatory and Legal Threats:** Failure to adhere to regulations, compliance standards, and legal challenges that can create obstacles that can result in legal consequences, fines, and reputational damage.

5. **Health and Safety Threats:** Any substantial risk to the health and safety of Coalition staff.
6. **Ethical and Moral Threats:** Ethical dilemmas, conflicts of interest, and compromising situations that deviate from the organization's core values and mission can have significant consequences.
7. **Security Threats:** Any threat to security including:
 1. **Cyber threats** involving unauthorized access, attacks, or exploitation of digital systems and networks.
 2. **Physical security threats** involving potential harm or damage to the physical assets of the business, such as facilities, equipment, and employees.
 3. **Insider threats** from individuals within the organization, such as employees, contractors, or partners, who misuse their access to exploit vulnerabilities or compromise sensitive information for personal gain or malicious intent.

b. Protected Activity

This policy also applies to persons described in SubSection I.1 who:

- refuse, or demonstrate an intent to refuse, to commit misconduct, violate any law, rule, or regulation, any broadly recognized professional code of ethics, or being associated with or aiding others refusing to do so,
- make, or demonstrate the intent to make, a protected report, or being associated with or aiding others doing so,
- exercise, or demonstrate the intent to exercise, a right under EU, federal, state or local law, rule or regulation or this Policy, or being associated with or aiding others doing so, or being so perceived,
- cooperate with a duly authorised investigation or audit.

2. Limitations

Please be aware of the following limitations:

- The UNCAC Coalition does not have the mandate or resources to follow up on reports of wrongdoing that have no link to the UNCAC Coalition (such as misconduct in the private sector, corruption or other injustice involving national authorities or the United Nations).
- The Austrian Whistleblower Protection Act ([HinweisgeberInnenschutzgesetz](#)) does not apply to acts of reporting related to the UNCAC Coalition because the Coalition does not meet the legal threshold of at least 50 employees.
- Anyone who knowingly submits false or misleading information, or should have known such information was false or misleading, is not covered by this policy. Furthermore, such reports may result in disciplinary action.

- It is important for participants in misconduct to understand that in many circumstances we would like to hear from them. The fact of voluntary reporting and the extent of cooperation with any resulting investigation are mitigating factors that will be considered for any subsequent disciplinary action. However, persons who substantially directed, planned, or initiated the misconduct for which they are found culpable will not be protected by this policy.

3. Prohibition of Retaliation

“Retaliation” means any direct or indirect detrimental action that adversely affects the actual or prospective employment or working conditions of an individual, where such action has been recommended, threatened, or taken for the purpose of punishing, coercing, intimidating, or injuring an individual because that individual engaged in a protected activity.

Retaliation against anyone covered by this policy, or against anyone associated with or aiding someone covered by this policy, for any report, or intent to make a report of wrongdoing, regardless of the channel utilised, violates this policy and is considered wrongdoing and may result in disciplinary action or other applicable sanctions.

Retaliation also violates the contractual obligations of third-party collaborators to comply with the Coalition’s policies and to take appropriate measures to prevent any violations of law. Prohibited retaliation may for instance include:

- suspension, lay-off, dismissal, or equivalent measures;
- demotion or withholding of promotion;
- transfer of duties, change of location of the place of work, reduction in wages, change in working hours;
- withholding of training;
- a negative performance assessment or employment reference;
- imposition or administering of any disciplinary measure, reprimand or other penalties, including a financial penalty;
- coercion, intimidation, harassment, or ostracism;
- discrimination, disadvantageous or unfair treatment;
- failure to convert a temporary employment contract into a permanent one, where the worker had legitimate expectations that he or she would be offered permanent employment;
- failure to renew, or early termination of, a temporary employment contract;
- harm, including to the person's reputation, particularly in social media, or financial loss, including loss of business and loss of income;
- blocklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry;
- early termination or cancellation of a contract for goods or services;

- psychiatric or medical referrals.

Disciplinary proceedings against a staff member for retaliation may be initiated even if the affected individual did not request protection against retaliation under this policy.

The policies and procedures governing disciplinary actions which may be taken against a person covered in this section is covered under the Policy and Procedure on Preventing and Addressing Misconduct.¹

II. Procedure

For guidance on submitting reports of wrongdoing or retaliation please refer to the UNCAC Coalition's policy on Preventing and Addressing Misconduct.

III. Implementation

The Coalition will ensure that this policy is published online, disseminated to relevant persons, and included or referenced in relevant staff policies and contracts. All new employees, volunteers, CCC members, and consultants of the Coalition must be informed of the content of this policy. The Managing Director will ensure that supervisors and managers are trained on how to implement this policy and appropriately respond to and handle allegations of misconduct and/or retaliation.

IV. Monitoring and Reporting

The Coalition recognizes the importance of monitoring its whistleblowing policy. An annual anonymous survey for feedback on the effectiveness of the policy and the reporting procedure will be conducted with all employees. To the extent that it may not compromise the imperative to protect whistleblowers, the designated CCC member should facilitate reflection (at least in the form of a discussion with the other CCC members and staff) on the effectiveness of and compliance with this policy at least once a year, including the number of incidents, how they were dealt with, and recommendations for improvement.

Statistics on the use and follow-up taken under this policy will also be included in annual reports which is published on the Coalition website.

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<https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-Anti-Harassment-Policy.pdf>.

V. References

For the drafting of this policy, the following documents were consulted:

- Austrian Whistleblower Protection Act ([HinweisgeberInnenschutzgesetz](#))
- Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937>
- Article 19: Whistleblowing Policy, <https://www.article19.org/wp-content/uploads/2019/09/Whistleblowing-policy-Aug-2019.docx-1.pdf>
- Government Accountability Project: Non-Retaliation Policy, adopted June 20, 2006.
- Transparency International: Integrity Violations Reporting Policy, <https://images.transparencycdn.org/images/TI-Secretariat-Integrity-Violations-Reporting-Policy.pdf>