



# **WHISTLEBLOWER PROTECTION POLICY**

## **POLICY STATEMENT**

Health Development Initiative (hereinafter HDI) is committed to providing a safe working environment for all free from any retaliation for making a complaint or reporting misconduct. All complaints of any misconduct will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint /reporting misconduct.

### **1. Definitions**

**Malicious reporting:** Any act reported with bad intentions or wicked motives to cause harm to any other person.

**Misconduct:** Unacceptable or improper behaviour, especially by an employee or professional person.<sup>1</sup> Under this policy, the following acts are considered as misconduct; sexual harassment, fraud or bribery, sexual exploitation, sexual abuse *and any other activity deemed illegal under the Laws in Rwanda.*

**Retaliation:** Punishment of an employee for engaging in a legally accepted activity. In this policy retaliation is to be understood as any punishment made to a staff, intern or fellow such as contract termination, suspension or demotion as result of reporting misconduct either as a victim or witness. Retaliation against a contractor occurs when the contract has been terminated as a result of the contractor's reporting misconduct.

**Whistleblower** is defined by this policy as HDI Staff, intern, fellow or contractor who reports to the disciplinary committee or public entity an activity that he/she considers to be illegal, dishonest, unethical, or otherwise improper.

**Perpetrator** is defined by this Policy as HDI Staff who retaliates against a person who has reported misconduct against him /her or a third party.

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<sup>1</sup> The definition of *Misconduct* available at <<https://en.oxforddictionaries.com/definition/misconduct>>. Accessed on 2 May 2019

## 2. Scope

This policy protects HDI employees, interns/fellows, contractors or anyone interacting with HDI who report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behaviors or practices) from retaliation.

## 3. Disciplinary committee

A disciplinary committee is hereby established with the mandate of handling misconduct allegations and advise HDI on other preventive measures. The disciplinary committee shall be comprised of 2 HDI member Staff elected by their peers and the Legal Advisor.

The disciplinary committee may also invite an independent expert in the following circumstances:

- When a member of the committee has recused himself or herself to avoid a conflict of interest
- The committee member is himself or herself a subject to an investigation for committing misconduct.
- The disciplinary committee shall develop its rules and procedure to handle retaliation allegations.

## 4. Reporting cases of retaliation

Any HDI Staff, intern /fellow, contractor or anyone interacting with HDI who believes that he or she has been subjected to retaliation or a threat of a retaliation because he or she has reported incidences of sexual exploitation, sexual harassment, sexual abuse and fraud or any other misconduct may file the complaint to the Disciplinary Committee of HDI or to the competent agencies (Police or Rwanda Investigation Bureau). In case, the victim or witness opts to report to competent national agencies, he or she may inform HDI about it. **The reporting might be made orally or in writing. However, the recording of any reporting must be in writing.**

## **5. Protective measures**

The Disciplinary Committee may recommend the temporary suspension of the retaliatory measure taken against the Staff, intern/fellow pending the outcome of the review or investigation of the allegation.

The Disciplinary Committee shall maintain the confidentiality of all communications received from complainants who request protection against retaliation, and from all relevant third parties.

## **6. Sanctions and disciplinary measures**

After internal or external investigation, anyone who has been found to have retaliated or threatened to retaliate against another person under the terms of this policy, the Disciplinary Committee may recommend any of the following sanctions:

- written warning
- adverse performance evaluation
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of retaliation. Certain serious cases, including physical violence, will lead to the immediate dismissal of the perpetrator as this is considered a serious misconduct itself.

The Disciplinary Committee shall inform the complainant within 4 working days in writing the outcome of its review.

## **7. Sanctions against malicious reporting**

A Whistleblower who makes a report that is not done in good faith is subject to discipline, including suspension, termination of the employee relationship, or other legal means to protect the reputation of the organization and staff.

## **8. Implementation and dissemination**

All HDI employees, interns /fellows and contractors shall receive a soft copy of this policy via email and will be required to acknowledge its receipt. This policy is part and parcel of any contractual agreement between HDI and employees, interns /fellows and contractors.