

# GADC WHISTLE-BLOWER POLICY

## I. Policy Statement

GADC's Vision, Mission and Values underpin a strong commitment to maintaining high standards of ethics and governance.

GADC is committed to providing a supportive environment in which concerns can be raised regarding conduct at GADC or GADC's operations. This policy provides a way for employees, volunteers, beneficiaries, suppliers, contractors or others to report their concerns confidentially, freely and without fear of disadvantage as a result of making the report.

GADC is committed to ensuring the safety and wellbeing of all children. If the matter is related to a child protection concern, child protection disclosures can be made as directed under the Law governing Child Protection and/or GADC's Child Protection Policy and Procedure.

GADC's Whistle-blower Policy is in place to provide whistle-blowers with a process to make anonymous complaints about breaches of law, policy or ethical standards (e.g. GADC's Code of Conduct).

All people utilising this policy will be treated fairly and with strict confidentiality.

## II. Purpose

The purpose of this policy is to encourage current Board members, employees, volunteers, beneficiaries, members of the general public, suppliers, contractors or other stakeholders to raise serious concerns relating to GADC. GADC encourages and will support staff who report illegal practices or individuals who violate the organization's policies. These policies include, but are not limited to the following:

- GADC Code of Conduct
- GADC Child Protection Policy
- GADC Grievance procedures as outlined in the Human Resources Manual
- GADC Finance Management Manual
- GADC Gender Policy
- GADC Environmental Policy

In situations where the organisation, its employees and volunteers do not comply with the above policies and/or practices, it may become necessary for an individual to take action as a whistle-blower.

This policy also provides GADC employees and/or its stakeholders to follow alternative complaint procedures that he/she feels may be a more suitable mechanism. These may include:

- Mechanisms in place for providing feedback and/or making a complaint at the local level (core group, community facilitator, community capacity building team).
- In circumstances where the local level mechanism is not appropriate, GADC employees and/or GADC stakeholders may use other channels guided by GADC as follows:
  - Cambodian Cooperation Committee (Members/Beneficiaries of CCC)
  - USAID Complaints Mechanism (Members/Beneficiaries of USAID)

- IWDA Whistle-blower Policy and Procedures (Members/Beneficiaries of IWDA)
- The Whistle-blower Policy and Procedures of other donors and partners.

### III. Definitions

*Whistleblowing:* The reporting in good faith by an individual of misconduct that is within GADC's ability to control. Reporting in good faith means the complainant has a reasonable and honest belief that the alleged misconduct occurred.

*Whistle-blower:* Any Board member, employee, volunteer, beneficiary, member of the general public, supplier, contractor or other stakeholder who wishes to make a report in connection with misconduct and benefit from the protections offered in this policy.

*Misconduct:*

- Fraud
- Theft, misappropriation of funds
- Breach of any law or legal or regulatory non-compliance
- Breach of the GADC Code of Conduct or other GADC policies
- Corruption or bribery
- Undeclared conflict of interest and misrepresentation of power and authority
- Misappropriation of classified documents
- Practices endangering the health or safety of staff, volunteers, beneficiaries or the general public
- Child protection compliance breaches
- Sexual harassment, exploitation and abuse
- Labour exploitation
- Discrimination against women, people with disabilities, Binary and non-binary, races, religion, etc.
- Action or inaction that could lead to financial loss for GADC or damage to its reputation

*Whistle-blower Committee:* The group to whom a report under this policy is made and who has responsibility to safeguard the interests of the whistle-blower. The Committee comprises:

- Executive Director – [ed@gadc.org.kh](mailto:ed@gadc.org.kh)
- Finance and Human Resources Manager – [fm@gadc.org.kh](mailto:fm@gadc.org.kh)
- Two representatives from Board of Directors
- One representative of Staff Committee

The Whistle-blower Committee will elect two members to form the Investigative Committee to conduct the investigation.

The Whistle-blower Committee, in conjunction with the Management Team, is responsible for the administration, interpretation and application of this policy.

In circumstances where the complaint is against and/or involves the interest of a member of the Whistle-blower Committee, remaining committee members<sup>1</sup> will choose new committee members for the purpose of that investigation.

---

<sup>1</sup> The rest of uninvolved interest will be forming new committees

#### **IV. How to Report?**

In the first instance, prior to action under this policy, the complainant is encouraged to report observations via GADC's other reporting channels and discuss the matter with their line manager.

If the nature of the matter is such that it is not appropriate to report through GADC's other channels, or if the complainant has a reasonable concern about doing so, or if the matter has been previously reported under normal channels but the complainant believes no appropriate action has been taken, the individual can contact the Whistle-blower Committee directly to discuss the matter and lodge an official report.

Whistle-blowers are not required to disclose their identity when reporting a matter, however doing so would assist GADC in addressing their complaint. If reports are received anonymously, there may be some limitations in conducting the investigation. Anonymity may also present GADC with difficulties in providing feedback about the progress of the investigation to the whistle-blower and also provide them with protection afforded under this policy.

GADC will make all reasonable efforts to protect the identity of the whistle-blower, except in circumstances where they are authorised by the whistle-blower or required by the law.

Whistle-blowers should ensure, as far as they are able, that their report is factually accurate and based on first-hand (direct or actual) knowledge or observation. They must present evidence to support their claim, without omitting any important information and present it without bias. The report should be as detailed as possible and include, but not be limited to:

- **the exact nature** of the alleged misconduct believed to have occurred
- **when** the alleged misconduct took place, if known
- **where** the alleged misconduct took place, if known
- **who** was involved in the alleged misconduct
- **the names of witnesses** who may know information that is relevant to investigating the alleged misconduct.

Nothing in this policy impacts a person's right to seek independent legal advice or to take legal action at any time.

#### **V. How to lodge the report?**

A formal whistle-blowing report can be made under the Whistle-blower Policy to the following people, depending on the circumstances:

- i.) Any supervisor within GADC;
- ii.) Whistle-blower committee;

Any person wishing to report in writing and/or maintain anonymity can lodge their report, marked private and confidential, through the following channels:

- [ethics@gadc.org.kh](mailto:ethics@gadc.org.kh)
- Mail Box: GADC Whistle-blower Committee (private and confidential), #39B, Street 608, Sangkat Boeungkok II, Khan Toul Kork, Phnom Penh, Cambodia.
- Phoning +855 23 88 16 14

## VI. Conducting an Investigation

All reports lodged under this policy will be investigated. Investigations will be made as per the following procedures:

1. Investigations will be fair and independent.
2. The investigation will be carried out by members of the Whistle-blower Committee.
3. A person accused within or connected to the matter must not be the investigator, or be part of the Whistle-blower Committee. If a Whistle-blower Committee member believes they may have a conflict of interest in carrying out their role as committee members, they are to immediately notify other committee members, who will ensure that the matter is addressed without conflict of interest.
4. Where appropriate, for example in situations where this is a potential risk to the whistle-blower's wellbeing or safety:
  - The individual alleged to have engaged in misconduct may be temporarily suspended from their position with GADC, pending the investigation.
  - The individual suspended of allegations of misconduct will continue to receive all benefits to which he/she is entitled as a GADC employee.
  - In circumstances where an individual is suspended, no assumed wrong-doing or guilt will apply.
  - The suspended individual will be notified by the Whistle-blower Committee in writing of the investigation and the duration of their suspension.
  - The identity of the suspended individual and the investigation will and remain confidential to that person and the Whistle-blower Committee during this time.
5. The principles of natural justice/duty to act fairly will be upheld during the investigation.
6. Investigations will be conducted without bias, and any person against whom an allegation has been made will be given the opportunity to respond.
7. An investigation plan will be developed (See attachment) and the investigation conducted no later than 5 working days after the grievance is reported.
8. The Investigation Committee will submit their investigation report to the Whistle-blower Committee within 10 working days after their investigation started, unless there is a valid reason to show that the investigation cannot be finalised during that period.
9. This report should follow the template (See attachment). The Whistle-blower Committee will ensure that appropriate measures are taken in light of the findings in the report, which may include notification to regulatory and/or enforcement agencies.
10. In the process of investigation, all documents are regarded as confidential. They will be filed separately in a locked cabinet<sup>2</sup> and can be accessed by the Whistle-blower Committee.
11. The Whistle-blower Committee will brief the whistle-blower about the results of the investigation and actions taken.

If requested, the identity of the whistle-blower may be kept confidential, noting that any commitment to confidentiality will be subject to reasonableness and the requirements of the law.

---

<sup>2</sup> Locked cabinet is the separated cabinet from other cabinets placed in GADC.

## **VII. Protecting whistle-blowers**

If a whistle-blower makes a report under this policy in good faith, then provided they have not been involved in the conduct reported, the whistle-blower will not be penalised or disadvantaged because they have reported a matter.

GADC staff must not victimise, harass or discriminate against anyone who raises a concern under this policy, or who participates in an investigation. Such victimisation, harassment or discrimination amounts to serious misconduct and may result in disciplinary measures, including summary dismissal. A whistle-blower or participant in an investigation who believes they have been wrongfully penalised or disadvantaged, including by being subjected to victimisation, harassment, discrimination or other disadvantage, should report this immediately to the Whistle-blower Committee or its members.

Where it is established by the investigation that the whistle-blower did not act in good faith, or intentionally made a false allegation, this will be reported to the Whistle-blower Committee and may result in the whistle-blower facing disciplinary measures, including summary dismissal.

## **VIII. Review and amendment**

This manual will be revised as needed.

First Revision March 2020

This policy will be disseminated to whom it may concern at appropriate time.

This policy will be revised as needed to ensure it remains relevant, effective and compliant with the laws implemented by the Royal Government of Cambodia.

On behalf of GADC's Board of Directors

Moul Samneang, Chairperson

Sign: M. Samneang

Date: March 5, 2020

## Whistle-blower Allegation Investigation Plan

[Amend as required]

<b>Investigative Committee Members</b>	
<b>Terms of reference</b>	
<b>Policies and procedures to review and follow</b>	
<b>Issues that need to be explored/clarified</b>	
<b>Sources of evidence to be collected</b>	
<b>Persons to be interviewed</b>	
<b>Further investigation meetings</b> (When/where/notes to be taken by)	
<b>Persons to supply own statement</b>	
<b>Further considerations</b>	

## Whistle-blower Allegation Investigation report

[This is a template investigation report that an investigation committee may adapt to suit the particular circumstances of their investigation]

<b>Introduction</b>	<b>Investigation authorised by:</b> [Name and role]
	<b>Investigation Committee Members:</b> [Name and role]
	<b>Date investigation began:</b>
	<b>Terms of reference:</b> [include if they were amended and how]
	<b>Background to the investigation:</b> [Brief overview of the matter]

<b>Process of investigation</b>	<b>The investigation process:</b> [Explain how the investigation was conducted]
---------------------------------	---

	<b>Evidence collected:</b> [List all evidence collected]
	<b>Evidence not collected:</b> [List all evidence that could not be collected and why]
	<b>Persons interviewed:</b> [List all people interviewed]
	<b>Persons not interviewed:</b> [List any witnesses that could not be interviewed and why]
	<b>Anonymous statements:</b> [If any, explain why and provide details of any enquiries into witness]

<b>The investigation findings</b>	<b>Summary of witness evidence:</b> [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]
-----------------------------------	--



	<b>Facts established:</b> [detail what the investigation has established]
	<b>Facts that could not be established:</b> [detail any part of the investigation that was inconclusive]
	<b>Mitigating factors:</b> [detail if there were any mitigating factors uncovered that are relevant to the investigation]
	<b>Other relevant information:</b> [detail any other information that is relevant to the matter]

<b>Conclusion</b> [if required]	<b>Findings:</b>
	<b>All Investigation Committee Members signatures:</b>
	<b>Date:</b>

<b>Supporting documents</b>	[List all documents collected as part of investigation and included in report]
-----------------------------	--