

**POLICY TO PROTECT AGAINST  
RETALIATION FOR REPORTING  
WRONGDOING OR COOPERATING  
IN AN INVESTIGATION  
OR AUDIT**

---



**Pan American  
Health  
Organization**

*Regional Office of the  
World Health Organization*

**December 2009**



## **INDEX**

I.	Introduction	1
II.	Objectives	1
III.	Scope of application	2
IV.	Reporting wrongdoing	2
V.	Cooperating in an investigation or audit	2
VI.	Retaliation	3
VII.	Prohibition against retaliation	3
VIII.	Protection against retaliation	3
IX.	Anonymous complaints	4
X.	Seeking confidential advice regarding suspected retaliation	4
XI.	Reporting suspected retaliation	4
XII.	Interim protections	5
XIII.	Remedies	5
XIV.	Penalties	5
XV.	Questions	5







# **POLICY TO PROTECT AGAINST RETALIATION FOR REPORTING WRONGDOING OR COOPERATING IN AN INVESTIGATION OR AUDIT**

## **I. Introduction**

1. As part of its ongoing efforts to promote ethical behavior, foster a positive working environment, and manage conflict, the Pan American Health Organization (“PAHO” or “Organization”) has created dedicated policies and resources to guide and assist people in their day-to-day work. Critical to the success of these initiatives is allowing everyone to use all available resources freely, without constraints or fear of retaliation.
2. Several policies already contain an express prohibition against retaliation. PAHO’s Code of Ethical Principles and Conduct and Policy on the Prevention and Resolution of Harassment in the Workplace both contain specific provisions against retaliation. In addition, resources such as the Ombudsperson have established terms of reference that include explicit references against workplace retaliation.
3. This policy is intended to reinforce existing provisions that prohibit retaliation for reporting possible unethical behavior or wrongdoing and to delineate the steps that will be taken to deal with claims of retaliation. It aims to protect people working for PAHO, as well as those who do business with it, from retaliation for disclosing in good faith an ethical concern, improper activity, or suspected wrongdoing or for participating in an internal workplace investigation or audit.

## **II. Objectives**

4. PAHO’s integrity and reputation require the vigilance and support of all people who work in the Organization. PAHO counts on everyone to uphold its values by bringing to its attention any acts that could compromise its image, credibility, or standing in the international or local community.
  5. Any person who has a legitimate concern in this regard must be free to raise it without fear and must be assured that their cooperation and assistance in reporting suspected wrongdoing will not lead to reprisals affecting the terms or conditions of their employment, working relationships, job status, or career prospects.
  6. The basic premise of this policy is that retaliation is unacceptable in PAHO under any circumstance and that individuals have the right to be protected from any form of retaliation and will not suffer any negative consequences for reporting actions or behavior that they consider unethical or harmful to the Organization or for cooperating in an investigation or audit.
- 

- 
7. This policy outlines the safeguards that PAHO has instituted to encourage people to raise legitimate and honest concerns and describes the actions that will be taken to deal with claims of retaliation.

### **III. Scope of application**

8. This policy applies to any person who works for PAHO, regardless of position, type of contract, or duration of appointment, including interns and volunteers, as well as to people who previously worked in the Organization and anyone who has business dealings with PAHO, including contractors, vendors and partners.

### **IV. Reporting wrongdoing**

9. Everyone who works for PAHO has a responsibility to report in good faith information that they reasonably believe may involve wrongdoing, fraud, the theft or loss of property, an improper use of resources, or any other activity that could undermine the Organization's image or credibility<sup>1</sup>. In exercising this responsibility, individuals must feel that they can submit information freely and without reservations, that their identity and the information they provide will remain confidential and will not be disclosed except on a need-to-know basis, and that they will be protected by the Organization.
10. The protection provided under this policy applies to anyone who has knowledge of suspected wrongdoing or improper behavior occurring within or affecting PAHO or someone working in PAHO and who reports that information to their supervisor, a manager, the Ethics Office, or to one of the other members of PAHO's Integrity and Conflict Management System (ICMS)<sup>2</sup>.

### **V. Cooperating in an investigation or audit**

11. Everyone who works for PAHO is required to cooperate in investigations and audits. This includes making themselves available to meet with investigators and auditors, providing truthful and relevant information, and answering pertinent and reasonable questions about an investigation or audit. In fulfilling this duty, individuals must feel that they can divulge information in confidence, knowing that their identity and the information they provide will be kept confidential and will not be disclosed except on a need-to-know basis and that they will be protected by the Organization.

---

<sup>1</sup> In certain countries, people who report suspected wrongdoing are referred to as "whistleblowers". The term whistleblower derives from the practice of English police (known as "bobbies") who would blow their whistle when they noticed a crime being committed. By blowing their whistles, they would alert other law enforcement officers and the general public of danger.

<sup>2</sup> The members of the ICMS are the Ombudsperson, Ethics Program Manager, Legal Counsel, Information Security Officer, Human Resources Manager, Auditor-General of Internal Oversight and Evaluation Services and the Chairpersons of the Board of Appeal and Grievance Panel.

- 
12. The protection accorded under this policy applies to anyone who has knowledge of an event occurring within or affecting PAHO or someone working in PAHO and who provides information during a formal investigation or audit.

## **VI. Retaliation**

13. In its common usage, retaliation means action taken in response to an injury or offense, or to seek revenge. In the workplace, retaliation occurs when an individual takes, or threatens to take, adverse action against another individual because that person reported or opposed an unethical or unlawful act, participated in a proceeding, or cooperated in an investigation or audit.

14. There are a range of actions and comments that could be construed as retaliation. Examples may include, but are not limited to, the following actions or threats of such action:

- Termination of employment;
- Demotion or denial of opportunities for promotion;
- Reassignment or transfer to a post with less responsibility;
- Unfavorable performance evaluations;
- Offensive comments or remarks;
- Loss of relationships or isolation;
- Removal from a team or project;
- Withholding of funding;
- Withdrawing delegated authority.

15. Retaliatory actions are materially adverse employment measures that are unjustified and detrimental to the recipient. They do not include behaviors or reasonable actions that are taken to promote the interests of the Organization or to encourage a satisfactory level of performance, attendance, and/or conduct.

## **VII. Prohibition against retaliation**

16. Pursuant to this policy, all individuals working in PAHO are expressly prohibited from engaging in any form of retaliation against any person who reports in good faith suspected wrongdoing or who cooperates in an investigation or audit.

## **VIII. Protection against retaliation**

17. Since people who work in PAHO have a right and a responsibility to report suspected wrongdoing and cooperate in investigations and audits, the Organization has a corresponding responsibility to protect these people from any form of retaliatory action in the workplace, both during and after an investigation or audit.

- 
18. Contractors, vendors, and partners who report in good faith suspected wrongdoing involving people who work in PAHO or cooperate in an investigation or audit are also protected to the extent possible against retaliation under this policy.
  19. A person who submits a report or provides information in good faith will be protected against retaliation if he or she reasonably believes the information is true and that improper or unethical behavior has occurred or is likely to occur.
  20. A person who raises an allegation in good faith will be protected from retaliation even though the allegation later turns out to be unfounded or unsupported by the evidence.
  21. If it is established that an allegation is intentionally false or misleading or has been made maliciously or in bad faith, disciplinary action may be taken against the person making the allegation.
  22. Moreover, a person who provides information may be subject to disciplinary action if it is determined that he or she was involved in the improper activity and committed misconduct.

## **IX. Anonymous complaints**

23. To assure complete protection, people inside and outside the Organization may remain anonymous when reporting ethical concerns by using PAHO's Ethics Help Line (on the web at [www.globalcompliance.com](http://www.globalcompliance.com) or [www.pahoethics.org](http://www.pahoethics.org) or toll free at 888-448-4715).

## **X. Seeking confidential advice regarding suspected retaliation**

24. A person who feels that he or she has been subjected to retaliatory action for reporting suspected wrongdoing or cooperating in an investigation or audit may informally discuss his or her concerns with PAHO's Ombudsperson.<sup>3</sup> These consultations remain strictly confidential unless the person concerned expressly authorizes the Ombudsperson to follow up on his or her behalf.

## **XI. Reporting suspected retaliation**

25. A person who believes that he or she has been subjected to retaliatory action for reporting suspected wrongdoing or cooperating in an investigation or audit and who wishes to file a formal complaint of retaliation must submit a written report to the Ethics Office within **90 calendar days** from the date the alleged act of retaliation occurred. Reports can be filed directly with the Ethics Office ([ethics@paho.org](mailto:ethics@paho.org)) or through the Ethics Help Line ([www.globalcompliance.com](http://www.globalcompliance.com) or [www.pahoethics.org](http://www.pahoethics.org)).

---

<sup>3</sup> While discussions are encouraged, communications made to the Ombudsperson are not notice to the Organization. The Ombudsperson does not act as agent for the Organization and does not accept notice on its behalf. However, the Ombudsperson may refer individuals to the appropriate office where formal notice can be made.

- 
26. A person who files a written report of retaliation must substantiate the claim with factual information or documentation to show that he or she:
- Reported a suspected wrongdoing or cooperated in an investigation or audit;
  - Suffered thereafter an unjustified and unfavorable action; and
  - Reasonably believes that the alleged retaliatory act resulted from reporting the wrongdoing or cooperating in an investigation or audit.
27. Reports of retaliation will be investigated in accordance with PAHO's policies and practices for conducting workplace investigations.
28. A staff member filing a report of retaliation under this policy maintains the right to pursue an appeal through the established internal recourse mechanisms and rules of the Organization<sup>4</sup>.
29. The filing of a report of retaliation under this policy does not in itself constitute grounds for delaying or postponing the administrative action, if any, against which the report is made.

## **XII Interim protections**

30. Pending the completion of an investigation into a report of retaliation, appropriate measures may be taken at the discretion of the Organization to safeguard the interests of people who provide information or cooperate in an investigation or audit. Such measures may include the temporary reassignment of the individual to a different office or position or, in exceptional circumstances, placing the person on special leave with full pay.

## **XIII. Remedies**

31. If retaliation is established, appropriate corrective action will be taken by the Organization to remedy the situation in consultation with the individual concerned. Such action may involve rescinding the retaliatory decision, including reinstatement. If deemed necessary, it may also involve the reassignment or transfer of the individual to another work location or assignment at the same grade level for which he or she is qualified.

## **XIV. Penalties**

32. Retaliation constitutes misconduct, which will result in disciplinary proceedings and the imposition of disciplinary measures, including termination of appointment or other appropriate action in accordance with PAHO's regulations, rules and policies.

## **XV. Questions**

33. Any questions regarding the application of this policy should be submitted to the Ethics Office for response.

---

<sup>4</sup> Section 12 of PAHO's Staff Rules set out the appeal rights of PAHO staff members.