

Chapter 3 Human Resources

Sub-Chapter 3.11 Conduct and Disciplinary Measures

3.11.8 Protection Against Retaliation Policy

Introduction

10. As an international public health organization, the Pan American Health Organization (PAHO or the Organization) has the responsibility to conduct its work in an ethical and transparent manner. An organization's ethical climate is important because it can improve morale, enrich organizational commitment, and allow it to maintain the respect and trust of its partners, stakeholders, and beneficiaries.
20. While PAHO personnel are extremely loyal and work in the best interests of the Organization, there will be instances where people breach their ethical responsibilities and engage in fraud, corruption, harassment, or other forms of misconduct. Individuals who experience or witness this type of misconduct must feel safe to speak up and report their concerns. However, it is natural that people will only be comfortable speaking up if they have confidence in the policies and mechanisms the Organization has put in place and trust that their concerns will be taken seriously, that there will be accountability and, most importantly, that they will be fully protected from any form of retaliation.
30. This policy outlines the safeguards and assurances that PAHO provides to encourage people to raise legitimate and honest concerns without fear of retaliation and describes the actions that will be taken when retaliation claims arise.

Objective

40. The objective of this policy is to protect people who work in or conduct business with PAHO from retaliation when raising good faith concerns that impact the good governance, operations, interests, or reputation of the Organization, or when cooperating in an investigation or audit. Assuring people who work for PAHO that they will be protected from retaliation will encourage them to report suspicions regarding illegal, unethical, or inappropriate behavior and will allow the Organization to take prompt action to address the situation.

Scope of application

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

Protected Behavior

60. At the core of this policy is the need to protect people who come forward to report an issue that could have an adverse impact on the good governance or reputation of the Organization, its financial resources and interests, or the well-being of someone working in or associated with the Organization. This policy also protects people who have cooperated in an investigation.
70. PAHO commits to protect from retaliation anyone who works in the Organization if they have:
 - 70.1. Reported suspected fraud, theft, loss of property, and/or improper use of resources to a supervisor or manager, the Investigations Office (INV) or any office or entity that forms part of PAHO's Integrity and Conflict Management System (ICMS)¹, or to any external oversight entity, governing body, or Member State;
 - 70.2. Submitted to INV a complaint of discrimination, harassment, sexual harassment, sexual exploitation and abuse, or retaliation;
 - 70.3. Solicited the advice or intervention of the Ethics Office (ETH), the Department of Human Resources Management (HRM), the Ombudsman (OMB), or the Office of the Legal Counsel regarding a work-related concern;
 - 70.4. Reported any other type of suspected misconduct or abuse of authority to a supervisor or manager, INV, or an ICMS office or entity;
 - 70.5. Cooperated in a PAHO investigation or audit;
 - 70.6. Filed an appeal with the PAHO Board of Appeal or a grievance with the International Labor Organization Administrative Tribunal.

What Constitutes Retaliation

80. Retaliation occurs when an unfavorable employment action is taken or threatened to be taken against someone without just cause and solely because that person engaged in a protected behavior, as described above. Retaliation is a separate act of misconduct and a violation of the Organization's regulations, rules, and policies, including this policy.
90. There are a range of actions and comments that may constitute retaliation. Examples may include, but are not limited to, the following actions or threats of such action:
 - 90.1. Termination or suspension of employment;

¹ The ICMS offices and entities are the Ethics Office, Office of the Ombuds, Department of Human Resources Management, Office of the Legal Counsel, Investigations Office, the PAHO Board of Appeal, and the PAHO Staff Association.

- 90.2. Non-renewal of contract;
- 90.3. Demotion or denial of opportunities for promotion;
- 90.4. Transfer to a different job, department, or work location;
- 90.5. Withholding pay increases, entitlements, or allowances;
- 90.6. Unfavorable performance evaluations;
- 90.7. Offensive comments or remarks;
- 90.8. Loss of relationships or isolation;
- 90.9. Removal of job duties, responsibilities, and/or travel opportunities;
- 90.10. Exclusion from a team or project;
- 90.11. Withholding of funding;
- 90.12. Withdrawal of delegated authority.

What Does Not Constitute Retaliation

- 100. The legitimate application of rules, policies, and procedures, as well as the proper exercise of managerial authority, does not constitute retaliation. In addition, retaliatory actions do not include behaviors or reasonable actions that are taken to further the interests of the Organization or to encourage a satisfactory level of performance, attendance, and/or conduct.
- 110. If an individual did not engage in a protected behavior, as outlined above, any unfavorable employment action taken against that individual will not be considered retaliation under this policy.

Duty to Report Suspected Misconduct and Ethical Concerns

- 120. Everyone who works for PAHO has a duty to report, in good faith, suspected misconduct, ethical concerns, or any other activity that could undermine the Organization's reputation, integrity, or credibility. In exercising this responsibility, individuals must feel that they can submit information freely and without reservation, 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.

Duty to Cooperate in an Investigation or Audit

130. 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 during 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.

Prohibition Against Retaliation

140. Pursuant to this policy, all individuals working in PAHO are expressly prohibited from engaging in any form of retaliation against any person who engages in a protected behavior.

Protection Against Retaliation

150. Since everyone who works in PAHO has a duty to safeguard the interests and human and financial resources of the Organization, report suspected misconduct, and cooperate in investigations and audits, the Organization has a corresponding responsibility to protect these individuals from any form of retaliatory action in the workplace.
160. Contractors, vendors, and partners who, in good faith, report suspected misconduct or raise ethical concerns involving people who work in PAHO, or who cooperate in an investigation or audit, are also protected, to the extent possible, against retaliation under this policy.
170. A person who reports suspected misconduct or raises ethical concerns in good faith will be protected from retaliation even if the information provided turns out to be mistaken or is unsupported by the evidence.
180. If it is established that someone has intentionally submitted a report of misconduct that is false or misleading, or if the report was made maliciously or in bad faith, disciplinary action may be taken against the person concerned.
190. Moreover, engaging in a protected behavior does not shield an individual from disciplinary and/or administrative action if it is determined that the person was involved in an activity and committed misconduct.

Anonymous Disclosure

200. To ensure complete protection, people inside and outside the Organization may remain anonymous when:

- raising ethical concerns to ETH by using PAHO's Help Line at www.pahohelpline.org.
- when reporting suspected misconduct to INV at: Report Wrongdoing to INV - PAHO/WHO | Pan American Health Organization.

Training

210. ETH provides training to promote a “speak up” culture where personnel can raise issues freely without fear of retaliation. This training raises awareness about what constitutes retaliation and what actions are a legitimate exercise of managerial/supervisory authority and underscores the Organization's commitment to protect people who raise good faith concerns to safeguard the interests and reputation of the Organization.

Seeking Advice Regarding Retaliation

220. ETH plays a proactive role in fostering a workplace environment where retaliation is prevented. While ETH does not investigate or resolve specific allegations of retaliation, it works to strengthen organizational safeguards, provide guidance on ethical conduct, and promote a culture of accountability and trust. In instances where individuals require guidance or are concerned about the possibility of retaliation, ETH offers impartial advice and works with them to ensure that their concerns are appropriately addressed while minimizing the possibility of retaliation. ETH will refer allegations of retaliation to INV for appropriate action.

230. ETH can be contacted in various ways, including:

- By e-mail at ethics@paho.org
- Through the PAHO Helpline, including anonymously, at www.pahohelpline.org

240. Alternatively, a person who is concerned that they may be subjected to retaliation because they engaged in a protected behavior or believes they have been subjected to retaliatory action for engaging in protected behavior may informally and confidentially discuss their concerns with PAHO's Ombudsman, who will provide informal services that may include policy orientation and explaining and evaluating the available options to address the concerns that have been raised.² With the person's permission, OMB will refer an allegation of retaliation to INV for appropriate action.
250. The Ombudsman can be contacted in various ways, including:
- By e-mail at ombudsman@paho.org
 - By telephone at 202-974-3586

Submitting a Retaliation Complaint

260. As noted above, allegations of retaliation must be reported to INV. Anyone can submit a retaliation complaint to INV. In most cases, a complaint will be presented by the person who claims that retaliatory action has been taken against them. However, a retaliation complaint may also be submitted by any other concerned person or entity, including a staff association representative.
270. The investigator will consider whether any interim precautionary measures are needed to safeguard information, ensure a proper investigation, or protect a party to the investigation or the interests of the Organization. Where necessary, the investigator will make an appropriate recommendation and refer the matter to HRM for consideration and necessary action.
280. If HRM determines that interim measures are warranted to protect a party to an investigation, HRM may consult with ETH, OMB, or other appropriate individual or entity on the aptness of specific measures and may ask that they monitor the measure's effectiveness and remain available to provide support to affected parties.
290. An individual who wishes to submit a retaliation complaint can contact INV:
- By e-mail at investigations@paho.org;

² While discussions are encouraged, communications made to the Ombudsman are not considered formal notice to the Organization. The Ombudsman does not act as agent for the Organization and does not accept notice on its behalf. However, the Ombudsman may refer individuals to the appropriate office where formal notice can be provided.

- Through the INV portal, including anonymously, at: [Report Wrongdoing to INV - PAHO/WHO | Pan American Health Organization](#).
300. To be able to address any concerns in a timely manner, a retaliation complaint must be submitted to INV as soon as practicable, but no later than one year from the date on which the alleged retaliatory act took place or was threatened to be taken. In addition, the protected behavior must have occurred within two years from the date that the alleged retaliatory act took place or was threatened.
310. A person who submits a retaliation complaint under this policy must provide information or documentation to show that they or someone else:
- 310.1. Engaged in a protected behavior;
 - 310.2. Suffered an unjustified and unfavorable employment action; and
 - 310.3. Reasonably believes that the alleged retaliatory act resulted from engaging in a protected behavior.
320. Submitting a retaliation complaint does not have the effect of delaying the imposition of an administrative or disciplinary action, if any, against which the retaliation complaint has been made.
330. When a retaliation complaint has been submitted to INV, the person who allegedly took retaliatory action must demonstrate that they would have taken the same action regardless of whether the person alleging retaliation engaged in a protected activity.

Remedies

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

Disciplinary Measures

350. Retaliation constitutes misconduct. Individuals who engage in retaliation will be subject to disciplinary measures, which may include termination of appointment or contract, and/or other appropriate action in accordance with PAHO's regulations, rules, and policies.

Right of Recourse

360. A person who submits a retaliation complaint has the right to challenge a decision regarding the merits of their complaint pursuant to the applicable internal recourse rules and mechanisms of the Organization³ or the terms and conditions of their contract.

Responsibility for this policy

370. Any questions regarding this policy can be submitted to ETH for guidance and advice at: ethics@paho.org or through the Integrity Helpline, including anonymously, at www.pahohelpline.org.

380. Questions or concerns regarding alleged retaliation can be submitted to INV by e-mail at investigations@paho.org or through the INV portal, including anonymously, at: Report Wrongdoing to INV - PAHO/WHO | Pan American Health Organization.

Last reviewed by policy owner on 6 October 2025

³ Section 12 of PAHO's Staff Rules sets out the appeal rights of PAHO staff members.