

RET Whistle-Blower Policy

Issued on 30 April 2021

Introduction

Purpose

The aim of this policy is to encourage the reporting of suspected misconduct when the misconduct implies significant corporate risk (i.e., harmful to the interests, reputation, operations, or governance of RET) without fear of retaliatory action in order to enable RET to take early action. It focuses on the protection against retaliation accorded to whistle-blowers who report suspected misconduct.

The objective of RET's Whistle-Blower Policy is to:

- Define whistleblowing;
- Ensure Staff are aware of their obligation to report misconduct and are aware that there is a policy for protection from retaliation in place;
- Enhance the protection accorded to whistle-blowers;
- Clarify the responsibility of RET.

Consequently, this policy clarifies what constitutes whistleblowing and retaliation. It also lays out the essential principles of RET's approach, starting with the underlying position that retaliation against whistle-blowers is not tolerated in RET and constitutes misconduct.

Scope

This policy covers the reporting of (i) suspected misconduct that implies corporate risk, and (ii) actual or threatened retaliation. It describes the mechanisms in place to address suspected misconduct and how RET protects whistle-blowers from retaliation.

This policy applies to but is not limited to reporting any of the following:

- Fraud, i.e., deliberate and deceptive acts with the intention of obtaining an unauthorized benefit, such as money, property or services, by deception or other unethical means;
- Corruption;
- Waste of resources;

- Sabotage;
- Substantial and specific danger to public health or safety;
- Sexual exploitation, abuse, and sexual harassment.

The policy delineates the respective roles and responsibilities of the principal offices and staff supporting its implementation.

This policy applies to any RET staff member, regardless of the type of appointment or its duration, who report, in good faith, suspected misconduct of corporate significance at RET and may be subjected to retaliation as a consequence.

This policy in its spirit and principles also applies to non-staff members who report suspected misconduct at RET. This includes to beneficiaries. It also includes individuals who have a contractual relationship with RET such as temporary advisers, consultants, and interns, as well as third parties such as vendors, contractors or technical partners who may suspect misconduct within or affecting RET. This policy will serve as a guide to devise effective measures on a case-by-case basis to address the specific circumstances of non-staff members and their vulnerability to retaliatory action.

This policy will be disseminated across RET and will be published on RET Intranet for information. Related internal policies and procedures will be amended to reflect established protection mechanisms.

A copy of this policy shall be given to all staff members upon commencement of employment relationship with RET or at the official adoption of stated policy. Each staff member shall sign the policy. Failure to sign does not nullify the policy.

Principles & Definitions

Definitions

Complainant refers to an individual making a good faith communication that discloses or demonstrates an intention to disclose information that misconduct may have occurred.

Alleged misconduct refers to allegations of a possible breach of RET's rules and policies.

Misconduct is the failure by a staff member to comply with RET's rules, code of conduct and other relevant policies and procedures. Such a failure could be deliberate (intentional act) or result from an extreme or aggravated failure to

exercise the standard of care that a reasonable person would have exercised with respect to a reasonably foreseeable risk (gross negligence) or from a complete disregard of a risk which is likely to cause harm (recklessness).

Retaliation or retaliatory action means any direct or indirect detrimental action, recommended, threatened, or taken because an individual has reported a suspicion of alleged misconduct or participated in an authorized audit or investigation. Retaliation may include adverse administrative actions, such as, but not limited to, unwarranted poor performance evaluations, changes in job duties or other negative decisions affecting the individual's terms and conditions of employment. Retaliation may also take the form of verbal abuse or harassment.

Fact-finding activity within this policy means any authorized audit, investigation, inspection, program evaluation, or management evaluation

Whistle-blower refers to an individual who reports a suspicion of a breach of RET's rules and policies. Whistle-blowers provide information, based on a reasonably held suspicion that a misconduct has occurred.

Work Ethics and Disciplinary Committee refers to two different level of Committees as per the Grievance Handling, Work Ethics Principles and Disciplinary Procedure and should be composed as shown below.

i. RET Headquarters (HQ) Work Ethics and Disciplinary Committee

The Committee of RET HQ handles the grievance, work ethics and disciplinary processes, and the processes described in this Whistle-Blower Policy of the HQ and Administrative Center Staff and the Area and Country Director positions. The Committee consists of the Chief of Staff (Chair), Global HR Director, Chief Finance Officer and the Vice President for RET's Americas Bureau or the Chief Operations Officer for RET's EMEAA Bureau. In case of necessity, the Committee may decide to add additional committee members with the approval of the President & CEO.

ii. Country Work Ethics and Disciplinary Committee

Country Committee handles the grievance, work ethics and disciplinary processes, and the processes described in this Whistle-Blower Policy of the local staff. The Committee consists of the Local HR Manager, Legal Advisor/Lawyer, Departmental Head of the related staff, Country Director, the Area Director, if any, who would act as the Chair. In case of necessity, the Committee may decide to add additional committee members with the

approval of the Vice President for RET's Americas Bureau or the Chief Operations Officer for RET's EMEAA Bureau.

Principles

1. Retaliation against individuals who have reported misconduct or who have cooperated with audits or investigations violates the fundamental obligation of all staff members to uphold the highest standards of efficiency, competence and integrity and to discharge their functions and regulate their conduct with the best interests of RET in view.
2. Obligation to report suspected misconduct: All RET personnel have a duty to report misconduct and to cooperate fully with any authorized fact-finding activity by following the mechanisms as described in RET's Grievance Handling, Work Ethics Principles and Disciplinary Procedures. Those who do so in good faith have the right to be protected from retaliation.
3. Confidentiality: The identity of a whistle-blower who comes forward for advice regarding the reporting of suspected misconduct is protected. Confidentiality will only be waived with their express consent unless it is a case of clear and imminent danger to the individual in question or another person. Their name will not be revealed to the person(s) potentially implicated in the suspected misconduct or to any other person unless the whistle-blower personally authorizes the disclosure of their identity.
4. Protection measures: It is the duty of RET's Work Ethics and Disciplinary Committees to address suspected misconduct and to take effective measures to protect the whistle-blower from retaliation; to remedy any retaliation against whistle-blowers; and ensure adequate disciplinary measures in cases of misconduct, including those making wrongful accusations.

Roles and Responsibilities

RET Organization:

It is the policy and responsibility of RET to foster a work environment free from retaliation and to take swift and appropriate action in cases where retaliation has occurred. It is the duty of RET to address suspected misconduct and to take:

- effective measures to protect the whistle-blower from retaliation;
- appropriate corrective action to remedy any retaliation against whistle-blowers;

- adequate disciplinary measures in cases of misconduct, including those making wrongful accusations

All Staff:

- Sign the Whistle-blower Policy which is an integral part of the employment contract such as the Code of Conduct, PSEA policy, etc.
- Are aware of their obligation to report misconduct and are aware that there is a policy for protection from retaliation in place.
- Adhere to RET's Code of Conduct, PSEA policy, Anti- corruption Policy, Grievance Handling, Work Ethics Principles and Disciplinary Procedures and Whistle-Blower Policy.
- Report, in good faith, misconduct, by following the mechanisms as described in RET's Grievance Handling, Work Ethics Principles and Disciplinary Procedures.
- Cooperate fully with all authorized fact-finding activities.

Communities, Beneficiaries/Participants:

- Aware of the expected behaviour of the organization's staff, including organizational commitments made on the code of conduct and prevention of sexual exploitation and abuse
- Report complaints through RET's Beneficiary Feedback and Complaint Mechanisms if commitments are not met and misconduct occur.

Human Resources

- Ensure all new employees receive a copy of this policy, prior to, or at the time of, issuing an employment contract.
- Ensure signed copies must be placed in personnel files.
- Oversees Internal process for reviewing allegations, management of investigation, follow-up.

RET Senior Management:

- Actively promote and reinforce a 'speak up, speak out' culture and actively engage in understanding the attitudes, cultures and power dynamics that drive under-reporting.
- Senior management takes responsibility for ensuring the policy measures are implemented.

Reporting Misconduct

Reporting Misconduct through External Mechanisms

Individuals who believe that retaliatory action has been taken against them should follow the internal reporting mechanisms outlined in the remainder of this chapter. However, protection against retaliation will be extended to an individual who reports misconduct to an entity or individual outside of the established internal mechanisms within the knowledge of the Chief of Staff and/or President and CEO, where the criteria A, B and C are satisfied:

- A. Such reporting is necessary to avoid:
 - A significant threat to public health or safety; or
 - Substantive damage to RET's operations and reputation; or
- B. Violations of national or international law; and use of internal mechanisms is not possible because:
 - At the time the report is made, the individual has grounds to believe that they will be subjected to retaliation by the person(s) they should report to pursuant to the established internal mechanism; or
 - The individual has previously reported the same information through the established internal mechanism, but that mechanism failed to inform the individual in writing of the status of the matter within six months of such a report; and
- C. The individual does not accept payment or any other benefit from any party for reporting a misconduct.

Reporting Misconduct through the Internal Mechanism

Preliminary review

Individuals who believe that retaliatory action has been taken against them should submit a request for protection against retaliation to RET's related Work Ethics and Disciplinary Committee. They should submit all information and documentation available to them to support their complaint to the Work Ethics and Disciplinary Committee as soon as possible. Requests for protection against retaliation must be submitted to the Work Ethics and Disciplinary Committee no later than after the date on which the individual learned that the alleged retaliatory action was taken.

Upon receipt of a complaint of retaliation or threat of retaliation, the Work Ethics and Disciplinary Committee will conduct a preliminary review of the complaint to determine whether (a) the complainant engaged in a protected activity; and (b) there is a *prima facie* case that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation.

The Work Ethics and Disciplinary Committee shall maintain the confidentiality of all communications received from complainants who request protection against retaliation, and from all relevant third parties. Complainants may give consent to the Work Ethics and Disciplinary Committee to contact any office or staff member to obtain additional information and records related to their request for protection. The Work Ethics and Disciplinary Committee will seek to complete its preliminary review within 30 days of receiving all information requested concerning a complaint of retaliation submitted. If the Work Ethics and Disciplinary Committee determines that there is no *prima facie* case of retaliation or threat of retaliation, it shall so notify the complainant in writing.

Actions If A Prima Facie Case Exists

Should the Work Ethics and Disciplinary Committee determine in such cases that there is an interpersonal problem within a particular office, it may additionally advise the complainant of the existence of the grievance handling and conflict resolution mechanisms in the Grievance Handling, Work Ethics Principles and Disciplinary Procedure. If the Work Ethics and Disciplinary Committee determines that there is no *prima facie* case of retaliation or threat of retaliation but considers there to be a managerial problem relating to a particular department or office, it will advise the direct supervisor of the parties involved.

If the Work Ethics and Disciplinary Committee considers that there is a credible case of retaliation or threat of retaliation, it will appoint an Enquiry Officer as per the Grievance Handling, Work Ethics Principles and Disciplinary Procedure and refer the matter in writing to the Enquiry Officer for investigation and will immediately notify the complainant in writing that the matter has been so referred. The Enquiry Officer will seek to complete its investigation and submit its report to the Work Ethics and Disciplinary Committee within 120 days.

Pending completion of the investigation, the Work Ethics and Disciplinary Committee may recommend that the Global HR Director or the local HR Manager takes appropriate measures to safeguard the interests of the complainant, including, but not limited to, temporary suspension of the implementation of the action reported as retaliatory; with the consent of the complainant, temporary reassignment of the complainant and/or change of reporting lines; or, for staff members, placement of the complainant on special leave with full pay.

For individual contractors or consultants, such interim measures shall not include reinstatement or extension of an engagement beyond its original date of completion.

If the Work Ethics and Disciplinary Committee considers that there has been retaliation against a complainant, it may, after taking into account any recommendations made by the Enquiry Officer or the Global HR Director or the local HR Manager or other concerned office(s) and after consultation with the complainant, recommend measures aimed at correcting negative consequences suffered as a result of the retaliatory action and protecting the complainant from any further retaliation, including, but not limited to: the rescission of the retaliatory decision, including reinstatement, or, if requested by the complainant, transfer to another office and/or function and/or change of reporting lines.

Subject to all relevant due process rights, including rights under RET's HR Manual and Staff Rules, recommended measures may also include termination of the contract or transfer of the person who allegedly engaged in retaliation.

The Work Ethics and Disciplinary Committee shall provide a written decision to the complainant within 30 days. The decision must respect the confidentiality rights of the person who allegedly engaged in retaliation in relation to any ongoing disciplinary process. Complainants will be informed on a confidential basis of any disciplinary sanctions imposed for the retaliatory action.

Review of the Determination

If following a determination by the Work Ethics and Disciplinary Committee that there is no *prima facie* case of retaliation or threat of retaliation, the complainant wishes to have the matter reviewed further, they may, within 30 days of notification of the determination, refer the matter, in writing, to the President and CEO in case the process was handled by the HQ level Work Ethics and Disciplinary Committee. If the process was handled by the Country level Committee, the complainant may refer the matter in writing to the Chair of the HQ level Work Ethics and Disciplinary Committee who is the Chief of Staff.

When the case is referred to the President & CEO, after examination the decision of the HQ level Work Ethics and Disciplinary Committee, the President/CEO may approve the decision of the Committee or launch a further initial enquiry or investigation by assigning an Enquiry Officer. It is in her/his discretion to appoint the previous Enquiry Officer or to select a different person who meets the qualifications for conducting such an investigation. The Enquiry Officer who is assigned by the President and CEO will seek comments from the complainant on the request for review and undertake her/his own

independent review of the matter, which shall include a review of the actions previously taken and a determination of any additional action required, including whether referral for investigation is warranted. The Enquiry Officer who is assigned by the President and CEO, following the completion of her/his review, will submit his/her recommendations to the President and CEO. The final decision of the President & CEO will be communicated in writing with the complainant and the HQ level Work Ethics and Disciplinary Committee for implementation.

Local level Committee decisions shall be appealed to the Chair of the HQ level Work Ethics and Disciplinary Committee, namely the Chief of Staff, who may, after examination the situation, forward the case to the HQ level Committee or approbate the decision of the local level committee.