



# OBSERVATOIRE DU SAHARA ET DU SAHEL

## SAHARA AND SAHEL OBSERVATORY

## WHISTLEBLOWING POLICY

### 1. INTRODUCTION

The Whistleblowing Policy aims to strengthen the integrity system at OSS and to fight against corruption and other wrongful acts. It defines procedures and conditions for investigating corruption allegations, fraud and any other breaches.

### 2. OBJECTIVE

- 2.1- OSS is committed to observe the highest ethical, moral and legal standards within the Organization as well as within the projects, programs and activities it funds and coordinates.
- 2.2- In accordance with this commitment and in order to promote good governance and transparency, the whistleblowing policy aims, first, to provide an opportunity to make concerns regarding corruption, fraud and any other breach heard (defined in section 4.1) and, second, to provide assurance that whistleblowers against cases of fraud, corruption or any other breach are protected against retaliation of any form (defined in Section 6.2).

The Policy focuses on the following aspects:

- Mechanism's Pillars ;
  - Application Scope ;
  - Who is considered as whistleblower/complainant ?
  - Protection and legal remedy for whistleblowers and complainants
  - Voluntary Disclosure programme
  - Whistleblowing Procedures and Means
  - Reporting System
- 2.3- The OSS External Auditor is considered as the flagship of whistleblowers and hence is authorized to implement this Policy. The External Auditor, in conjunction with the OSS Administration Board, is responsible for conducting any investigations required by the Whistleblowing Policy.

### 3. MECHANISM'S PILLARS

- 3.1- OSS policy in terms of good financial governance<sup>1</sup> highlights the need to detect, report and, more importantly, to prevent any form of resources mismanagement. The establishment of a whistleblowing mechanism will strengthen the good governance within OSS and the projects it funds and coordinates. OSS must have a reliable, efficient and effective mechanism, allowing third

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<sup>1</sup> OSS's procedures manual

parties, OSS' staff and development partners to report, with complete confidentiality, instances of fraud, corruption, and any other breach committed by OSS' staff members or other persons involved in projects or activities funded by the Organization. OSS' staff includes members appointed or provided as well as their assistants, temporary officials, consultants recruited by OSS and any other person recruited or employed, directly or indirectly, by OSS on a permanent or temporary basis.

- 3.2- OSS' staff is committed to respect OSS values which requires, at all times, the observation of the highest standards of ethics, honesty, and responsibility and the provision of best services with all rigor, efficiency and transparency. The core values are reinforced by a credible whistleblowing mechanism.
- 3.3- These values encourage OSS' staff members to avoid any act likely to affect their image as employees of OSS. They are required to demonstrate and show the utmost discretion in the exercise of their duties and avoid situations of real or apparent conflict of interest between their duties at OSS and their private activities.
- 3.4- OSS's procedures manual, staff regulations and statute, strengthen the respect of core values and urge OSS personnel to act with integrity, honesty, and loyalty during the performance of their duties and private activities.

#### **4. SCOPE OF APPLICATION**

- 4.1. In accordance with the OSS' Staff Regulations, Statute and Procedures Manual, OSS' staff are required to report any act of fraud, corruption or any other beach of which they become aware. Similarly, OSS urges its development partners and stakeholders to report acts of fraud, corruption or any other breach, including those involving OSS staff and / or projects as well as actions that are detrimental to OSS operations and mission. In general, the revelations expected from OSS staff and third parties include the following practices, and the list is not exhaustive:
  - 4.1-1 Unlawful actions or instructions involving the violation of the law, waste, mismanagement, abuse of power, serious and specific danger to public health or safety;
  - 4.1-2 Non-compliance with statutory obligations in the host country,
  - 4.1-3 Fraud, which includes any action or omission, including false declarations, which may mislead or attempt to mislead a person or an institution in order to generate, in a direct or indirect manner, a financial or any other kind of gain or to shirk an obligation;
  - 4.1- 4 Corruption, which is defined as the act of offering, soliciting or accepting, in a direct or indirect manner, a compensation to improperly influence the action of a third party.
  - 4.1-5 Breach, which means the failure to observe the rules and standards of behavior at OSS;
  - 4.1-6 Coercion, which includes any attempt to impair, harm, or threaten to impair, directly or indirectly, another party to illegally influence the party's actions.
  - 4.1-7 Collusion, which indicates an illegal agreement between two or more parties to illegally influence the actions of a third party, and
  - 4.1-8 Any other act jeopardizing OSS's operations and mission;
- 4.2. Whistleblowing should be carried out with the firm conviction that the fact reported is true. The allegations and concerns expressed are examined at the discretion of the OSS External Auditor. In exercising this discretion, the External Auditor's investigation is based on certain factors such as the seriousness and credibility of the allegation, and the extent to which this allegation can be confirmed or supported with recognizable source, and the list is not exhaustive.

## **5. WHO IS CONSIDERED AS WHISTLEBLOWER OR COMPLAINANT**

**5.1.** Is whistleblower or complainant any person or party who reports or is in the course of reporting a concern, allegation or information indicating that an act of fraud, corruption or any other breach is being committed or was committed at OSS or as part of one of its projects, while knowing or having a firm belief that the concern, allegation or information is true. Such persons or parties include, and the list is not exhaustive, OSS' staff, contractors, consultants, national officials, officials of implementing entities, professional entities, non-governmental organizations, officials of other international financial institutions, former officials of OSS and any other entity or person.

**5.2.** The present Whistleblowing Policy does not apply to the OSS staff grievances concerning inconclusive probation periods, performance evaluations, and discrimination in duties allocation, unequal employment opportunities, sexual harassment or any other personal grievance.

**5.3.** The success of this policy depends, in part, on the moral conscience and professional ethics of the whistleblower or complainant and the guarantee of confidentiality. However, any feeling of ostracism by peers, harassment or persecution by the Direction can only discourage whistleblowing. To avoid psychological pressure that these conflicts can cause to whistleblowers and complainants, OSS is committed to ensure their protection.

**5.4.** It should be noted that whistleblowers and complainants only report facts. They are neither investigators nor inspectors; they do not determine whether corrective measures are necessary, nor do they have the right to define suitable ones.

## **6. PROTECTION OF WHISTLEBLOWER AND COMPLAINANT**

**6.1** The External Auditor shall ensure by all means, the protection of whistleblowers and complainants. For a whistleblowing and grievance mechanism to function with the expected efficiency, the parties concerned must be properly assured that the information provided will be treated confidentially and, above all, that they would be safe from any reprisal inside as well as outside OSS. The identity of the whistleblower or complainant is confidential, unless: (i) the person concerned agrees to be identified; (ii) the identification is necessary to allow the External Auditor, in conjunction with the Board, to conduct investigations and give an appropriate response to the information revealed; (iii) the identification is required by law or OSS's rules and regulations, in case of false accusation; and (iv) the person accused has right to this information in virtue of law or OSS's rules and regulations as part of a disciplinary procedure. In this case, the External Auditor informs the whistleblower or complainant before revealing his identity.

**6.2** No act of reprisal is allowed against a whistleblower. Reprisal means any direct or indirect act of discrimination, retaliation, harassment or recommended revenge taken against a whistleblower for having revealed information in the virtue of the present Policy.

**6.3** OSS can protect external parties within the limits of its resources. However, any act of retaliation against a contractor, its employees, officials or representatives of OSS' staff, due to the information revealed by these persons, is considered as breach and exposes its perpetrator to disciplinary action in virtue of the present Policy. If an OSS contractor engages in reprisal, the market concerned shall be automatically subject to immediate review and possible termination.

**6.4** Subject to the provisions of this Section (6), OSS may, depending on circumstances, resort to protective measures and to the following sanctions:

6.4-1 To the extent possible, the External Auditor shall guarantee the confidentiality of the whistleblower and complainant's identity. Subject to OSS's rules and regulations, the External Auditor protects the identity of a person who submits a complaint or stands as a witness during an investigation.

6.4-1 When a person makes or is in the course of making a declaration against a reprehensible practice with the firm conviction that the content of his declaration is true, his identity is fully protected by the External Auditor against any unauthorized disclosure, even if the case was transferred to national authorities;

6.4-3 If a party external to OSS firmly believes to be threatened by reprisal for assisting in an investigation, the OSS President, on the recommendation of the External Auditor, shall ensure that OSS provides a reasonable and appropriate assistance for the protection of this party; and

6.4-4 If there is an unauthorized disclosure of a whistleblower's identity, the External Auditor shall take the appropriate disciplinary actions in accordance with the OSS's rules and regulations.

**6.5.** OSS guarantees the protection of employment. OSS staff member who submits a complaint or reports an act of fraud, corruption or any other breach, while knowing or firmly believing that the information provided is true, is protected against any act of reprisal.

6.6 If there is a reasonable risk of threat to one of OSS' staff members or to the security and well-being of his/her family, the External Auditor accords to the staff member the status of whistleblower and takes, as a precaution, appropriate measures to ensure the safety of the whistleblower and his/her family. The External Auditor shall immediately inform the OSS President, who in turn shall inform the Board, about the measures and actions undertaken to protect the whistleblower.

## **7. VOLUNTARY DISCLOSURE PROGRAMME**

OSS encourages its staff and the contractors and individuals involved in the projects it funds or coordinates to voluntarily provide information on any case of fraud, corruption and / or any other breach of which they are aware. The voluntary disclosure of irregularities will effectively mitigate the application of sanctions. Information disclosure is likely to promote or facilitate investigations and deter or prevent fraud, corruption or any other breach. The disclosure of information with the aim of purely and simply preempting an irregularity likely to be detected is not taken into account in the context of this Policy.

## **8. WHISTLEBLOWING PROCEDURES AND MEANS**

**8.1** Whistleblowing or complaints' submission means and procedures differ depending on whether the author of the allegation, complaint or information is one of OSS' staff members or is external to OSS. OSS staff members are expected to provide information on OSS internal or external transactions, operations and other activities. However, external whistleblowers or complainants are expected to report on cases of fraud, corruption and any other irregularities with regards to OSS's projects.

**8.2.** The OSS staff members can submit their allegations and concerns using the reporting system or, if preferred, through the immediate supervisor. If the employee does not feel comfortable to discuss the matter with his/her immediate supervisor, fears a potential conflict of interest or is reluctant for any other reason to disclose the information to his/her immediate supervisor, s/he can address his/her allegation or complaint to a hierarchical superior or to the External Auditor.

**8.3.** Parties external to OSS are free to use the whistleblowing mechanism to submit their complaints and revelations with all confidence. The External Auditor saves and sorts all the information received from OSS' staff or external parties through the whistleblowing mechanism or any other means defined by the present Policy. Once recorded, the External Auditor assesses the information provided to determine if it is credible, serious and verifiable. To this effect, the complaint is evaluated before being presented at the Board session. The Board of Directors determines whether there is a legitimate basis to launch an investigation.

**8.4.** A preliminary assessment will determine whether it is appropriate to initiate a more thorough investigation. This assessment is based on information and documentary evidence provided by the

whistleblower or the complainant and determines whether the disclosure is based on reliable information and was made in good faith. If the preliminary assessment reveals tangible and credible information in line with the acts aimed at by the present Policy, a proper investigation is launched by the Board of Directors. The party or parties concerned are informed, unless the External Auditor does not consider that such communication might adversely affect the investigation or investigations under its jurisdiction.

**8-5.** Upon reception of a complaint against reprisal, the External Auditor launches an investigation and, if appropriate, takes precautionary measures to protect the whistleblower and rectify the situation. The External Auditor makes appropriate recommendations to the President. These recommendations are not a judgment or a conclusion on the merits of a case; rather it is intended to protect the parties' rights and OSS's interests while the investigation continues. The External Auditor may request the President to bring the additional modifications and actions needed throughout the investigation.

**8-6.** The precautionary measures taken to protect and determine the rights of the whistleblower are separate from the investigation and remain within the jurisdiction of the External Auditor.

## **9. REPORTING MECHANISM**

OSS provides potential whistleblowers and complainants with a reporting mechanism. The mere existence of this mechanism is itself a means for deterrence and firmly reminds the OSS' staff that the institution is committed to the fight against fraud and corruption. The mechanism comprises fax numbers and an electronic address external to OSS. Managed by the External Auditor, the mechanism provides confidential services throughout the year. Complaints can be submitted in French or English.