



United Nations
Educational, Scientific and
Cultural Organization



UNESCO's whistleblower protection policy

Establishment of a confidential Protected Disclosures System and protection against retaliation for reporting misconduct or wrongdoing and for cooperating with duly authorized audits, investigations or inquiries

(UNESCO's whistleblower protection policy)

Introduction

1. This framework sets out UNESCO's whistleblower protection policy and establishes the Organization's confidential Protected Disclosures System. It provides enhanced protection against retaliation for individuals who report misconduct, provide information in good faith on alleged wrongdoing, or cooperate with a duly authorized audit, investigation, or inquiry.
2. All staff members have a duty to report any breach of the Organization's regulations and rules to officials whose responsibility it is to take appropriate action. An individual who makes such a report in good faith has the right to be protected against retaliation.
3. Staff members are also obliged to cooperate with duly authorized audits, investigations, and inquiries. An individual, who does so, has the right to be protected against retaliation.
4. Retaliation against individuals who have reported or provided information concerning acts of misconduct or wrongdoing, or who have cooperated with audits or investigations or other inquiries is prohibited. Such behaviour 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 interest of the Organization only in view.
5. "Retaliation" means any direct or indirect detrimental action recommended, threatened or taken because an individual engaged in an activity protected by the present policy. When established, retaliation is by itself serious misconduct.

Protected activity

6. Protection against retaliation applies to any person having a direct contractual link with UNESCO¹, who, in good faith:
 - a. Reports any unlawful, unethical or wasteful conduct, or any other violation of established policies, standards and regulations.

¹ This includes staff members, "contractors", interns, volunteers and occasional workers. The term "contractor" covers any person who is employed by the Organization under a service contract, a special service agreement, a supernumerary contract, or a consultancy contract.

Définitions :

Unlawful conduct includes, but is not limited to, corruption, fraud, embezzlement, and theft.

Unethical conduct includes, but is not limited to, discrimination, harassment, abuse of authority, conflict of interest, misuse of corporate information and breach of confidentiality.

Wasteful conduct includes, but is not limited to, mismanagement or waste of the Organization's financial and/or human resources, either through negligence or malicious intent.

(See also HR Manual Chapter 11.2 – Misconduct)

- b. Cooperates with, or participates in, a duly authorized audit, investigation or inquiry, or any other administrative process.
7. The present framework is without prejudice to the legitimate application of regulations, rules and administrative procedures, including those governing evaluation of performance, non-extension or termination of appointment. However, in applying such regulations, rules and administrative procedures to any staff member, UNESCO management must show by clear and convincing evidence that the same action would have been taken independently of the staff member's participation in the protected activity referred to in paragraph 6.
8. In order to receive protection as provided for in this framework, the individual must act in good faith and must have a reasonable belief that the activities reported did in fact occur. The transmission or dissemination of unsubstantiated rumours is not a protected activity. Making a report or providing information that is intentionally false or misleading constitutes serious misconduct and may result in administrative, disciplinary or other appropriate action.

Reporting misconduct or wrongdoing through internal mechanisms

9. Except as provided under paragraph 15 below, reports of misconduct should be made through established internal mechanisms and following established guidelines. Depending on the nature of the allegations, this may involve:
 - a. The Ethics Office (particularly concerning issues of unethical conduct such as conflict of interest, abuse of power or authority, harassment, discrimination, and retaliation for reporting misconduct or cooperating with authorities).
 - b. The Internal Oversight Service (IOS) (particularly concerning allegations of unlawful or wasteful conduct such as corruption, fraud, waste, misappropriation and misuse of assets, as they have a financial connotation), and
 - c. The Bureau of Human Resources concerning other cases of misconduct.

10. In addition, the Organization will establish a **confidential Protected Disclosure System** for reporting allegations of staff misconduct, whether on an anonymous or identified basis, and from internal or external sources.

11. In order to simplify the reporting mechanisms, allegations regarding misconduct of UNESCO's employees can be reported by calling the Ethics Office or submitting a written report. Anyone, within or outside the Secretariat, may make reports about staff misconduct.

12. Allegations about staff misconduct can be made by:

- Submitting an electronic report by completing the form on <https://www.unesco.org/ethicsoffice/report>
- Sending an email to ethics@unesco.org
- Calling the Ethics Office at +33 (0) 1 45 68 13 90 or sending a fax at +33 (0) 1 45 68 55 51

All reported matters will be handled confidentially by the Ethics Office for follow-up. If required, the Ethics Adviser shall consult the Internal Oversight Service (IOS) or the Bureau of Human Resources (HRM) in accordance with paragraph 9 above.

13. Every person to whom a protected disclosure is made or referred must use his/her best endeavours not to disclose information that might identify the person who made the protected disclosure unless:

- a. That person consents in writing to the disclosure of that information; or
- b. The person who has acquired knowledge of the protected disclosure reasonably believes that disclosure of identifying information is essential to the effective investigation of the allegations in the protected disclosure; or is essential in order to ensure due process in the investigation of the allegations made.

Reporting misconduct or wrongdoing through external mechanisms

14. Notwithstanding Staff Rule 101.6 (public information relationships), protection against retaliation will be extended to an individual who reports misconduct to an entity or individual outside of the established internal mechanisms, where the criteria set out in subparagraphs (a), (b) and (c) below are satisfied:

- (a) Such reporting is necessary to avoid:
 - (i) A significant threat to public health and safety; or
 - (ii) Substantive damage to the Organization's operations; or
 - (iii) Violations of national or international law; **and**
- (b) The use of internal mechanisms is not possible because:
 - i) At the time the report is made, the individual has grounds to believe that he/she will be subjected to retaliation by the person(s) he/she should report to pursuant to the established internal mechanism; or

- (ii) It is likely that evidence relating to the misconduct will be concealed or destroyed if the individual reports to the person(s) he/she should report to pursuant to the established internal mechanisms; or
 - (iii) The individual has previously reported the same information through the established internal mechanisms, and the Organization has 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 such report.

15. Without prejudice to the foregoing provisions, when circumstances require that such reports be made outside of the established UNESCO internal mechanisms, preference must be given to making a report directly to the Director-General.

Reporting retaliation to the Ethics Office

16. Individuals who believe that retaliatory action has been taken against them because they have reported misconduct or cooperated with a duly authorized audit, investigation or inquiry should forward all information and documentation available to them to support their complaint to the Ethics Office as soon as possible. Complaints may be made in person, by regular mail or by e-mail or by fax.
17. The functions of the Ethics Office with respect to protection against retaliation for reporting misconduct or cooperating with a duly authorized audit, investigation or inquiry are as follows:
- (a) To receive complaints of retaliation or threats of retaliation;
 - (b) To keep a confidential record of all complaints received;
 - (c) To conduct a preliminary review of the complaint to determine if:
 - (i) The complainant engaged in a protected activity; and
 - (ii) The action alleged to be retaliatory or threat of retaliation did take place; and
 - (iii) There is a prima facie case that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation.
18. Where the complainant can be contacted, the Ethics Office will send an acknowledgement of the complaint promptly upon having received it.
19. The Ethics Office will seek to complete its preliminary review within 45 days of receiving the complaint of retaliation.
20. All offices and staff members shall cooperate with the Ethics Office and provide access to all records and documents requested by the Ethics Office, except for medical records that are not available without the express consent of the staff member concerned.

Referral for investigation

21. If the Ethics Office finds that there is a credible case of retaliation or threat of retaliation, it will report the matter in writing to the Director-General who will decide, where required, on an investigation and refer the case to Director, IOS. The Ethics Office will immediately notify in writing the complainant that the matter has been so referred.
22. When required, IOS will seek to complete its investigation within 2 months and submit its report to the Director-General with a copy to the Ethics Office. The investigation report shall contain all relevant facts, as well as documents and testimonies of witnesses.
23. Where, in the opinion of the Ethics Office, there may be a conflict of interest in IOS conducting the investigation as referred to above, the Ethics Office may recommend to the Director-General that the complaint be referred to an alternative investigating mechanism.

Interim measures

24. Pending the completion of the investigation, the Ethics Office may recommend that the Director-General take appropriate measures to safeguard the interests of all parties involved, including but not limited to temporary suspension of the implementation of the action reported as retaliatory and, in exceptional circumstances, with the consent of the complainant, temporary reassignment of the complainant within or outside the complainant's Sector/Bureau/Field Office or placement of the complainant on special leave with full pay.
25. Once the Ethics Office has received the investigation report, it will inform in writing the complainant of the outcome of the investigation and make its recommendations on the case to the Director-General. Those recommendations may include disciplinary actions to be taken against the retaliator.
26. If the Ethics Office finds that there is no credible case of retaliation or threat of retaliation but finds that there is an interpersonal problem within a particular office, it will advise the complainant of the existence of the Office of the Mediators and the other informal mechanisms of conflict resolution in the Organization.
27. If the Ethics Office finds that there is a managerial problem based on the preliminary review of the complaint or the record of complaints relating to a particular Sector/Bureau, it will advise the ADG or Director of the Sector/Bureau concerned.

Protection of the person who suffered retaliation

28. If retaliation against an individual is established, the Director-General may, after taking into account the recommendations made by the Ethics Office or other concerned office(s) and after consultation with the complainant, take appropriate measures to correct the negative consequences suffered as a result of the retaliatory action. Such measures may include, but are not limited to, the rescission of the retaliatory decision, including reinstatement, and, if required, transfer to another office or function for which the individual is qualified.

29. The procedures set out in the present framework are without prejudice to the rights of an individual who has suffered retaliation to seek redress through the internal recourse mechanisms. An individual may raise a violation of the present policy by the Administration in any such internal recourse proceedings.

Action against the person who engaged in retaliation

30. Acts or threats of retaliation constitute misconduct which, if established, will lead to disciplinary action.

Prohibition of retaliation against outside parties

31. Any retaliatory measures (including threats) against a contractor or its employees, agents or representatives or any other individual engaged in any dealings with the UNESCO because such person has reported misconduct by staff members will be considered serious misconduct that, if established, will lead to disciplinary or other appropriate action.

Entry into force

32. The present framework shall enter into force on the date of its issuance