



Inter-American Institute for Cooperation on Agriculture

POLICY ON THE PROTECTION OF WHISTLEBLOWERS AND WITNESSES

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ARTICLE I Definitions

For the purposes of this Policy, the following terms are defined as follows:

“Clear and convincing evidence” is evidence that shows that it is highly probable that an alleged fact is true.

“Conflict of Interest” is any situation in which a party or any of its personnel involved in the relevant decision-making process has interests that could, or could be perceived to, improperly influence the performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws and regulations;

“Counterparty” is any party that contributes to, executes, implements, or in any way participates in IICA-related Activities, including receiving a grant, loan, or other form of financing or support from the Institute. Counterparties include a contributor, Accredited Entity, Direct Access Entity, Executing Entity, delivery partner, fiscal agent, financial intermediary, vendor, and others;

“Covered Individual” means IICA’s Personnel as defined below;

“EC” means Ethics Commission constituted by IICA’s Director General under Article III(A) of IICA’s Code of Ethics.

“Evidence” means any physical object, record, document in any form, testimony, or other information that tends to establish the existence or non-existence of an allegation or fact;

“External Party” [or “Member”] means any person or entity other than a Covered Individual who contributes to, engages in, or is affected by or concerned with any IICA-related Activity. An External Party may be an individual or an entity, and may include Counterparties;

“External Whistleblowers and Witnesses” are External Parties who are Whistleblowers or Witnesses, as defined in this Policy;

“False or Malicious Report” means an inaccurate or misleading report that is made recklessly, or knowingly or deliberately for the purpose of gaining unmerited personal advantage or causing harm to a person or entity;

“IICA-related Activity” means any activity which is financed, administered, or supported by the Institute, either with its own resources or those of others, or any activity that materially affects or may affect or otherwise be relevant to the Institute;

“IICA’s Personnel” means any Staff Member and any other individual contracted and/or engaged by the Institute to perform official functions for IICA, including, but not limited to, independent contractors and/or their employees, IICA interns, and volunteers.

“Prohibited Practices” are specific conduct as defined in the relevant IICA’s principles and policies. Prohibited Practices include Corrupt Practice, Fraudulent Practice, Coercive Practice, Collusive Practice, Obstructive Practice, Abuse, Retaliation against Whistleblowers or Witnesses, Money Laundering, and Terrorist Financing;

“Malice” means “having no other intent other than to cause harm or gain unmerited personal advantage” or “having reckless disregard for the truth.”

“Reporting [or “report” or “reported”] in good faith” means reporting what a similarly situated reasonable adult person reasonably believes to be true based on facts known to him/her.

“Misconduct” means conduct which violates applicable law and/or the policies, rules and regulations duly adopted by the Institute.

“Reasonable” means what reasonable adult person would consider reasonable under the same or similar circumstances.

“Retaliation against Whistleblowers or Witnesses” means any detrimental act, direct or indirect, recommended, threatened, or taken against a Whistleblower or Witness, or person associated with a Whistleblower or Witness, because of his or her report of suspected Wrongdoing or cooperation with an Institute investigation by the Whistleblower or Witness; however, it does not include a sanction against any Whistleblower for making a False or Malicious Report in bad faith, or for other misconduct as specified in Article II (F) and Article III(B) below.

“Subject of an Investigation” means a person who is suspected to have condoned, encouraged, participated, or engaged in a Wrongdoing directly or by proxy;

“Staff Members” means all persons appointed to a post in IICA under a letter of appointment (individually, a “Staff Member”);

“Whistleblower” is any person or entity, who, in good faith and on reasonable grounds, reports, attempts to report, is believed to be about to report, or is believed to have reported suspected Wrongdoing (including concerns of suspected Wrongdoing);

“Witness” means any person or entity who cooperates in good faith, or is believed to be about to cooperate, or is believed to have cooperated with an investigation and provided information or evidence.

“Wrongdoing” means conduct that violates IICA’s policies or which involves significant risk to the Institute because it is harmful to its interests, reputation, operations, or governance. Wrongdoing includes but is not limited to Misconduct, Prohibited Practices, and Conflicts of Interest.

ARTICLE II

General Principles

The Institute shall not tolerate Retaliation against Whistleblowers and Witnesses. That is, there is zero tolerance for retaliation against Whistleblowers, and Retaliation against Whistleblowers and Witnesses is a Prohibited Practice.

- A. Any person may report without encumbrance to the EC any allegations of suspected Wrongdoing that come to his/her attention and cooperate with the EC in the context of an investigation, proactive integrity review or other inquiry without fear of Retaliation.
- B. IICA including the EC shall take all available measures within the capacities of the Institute to protect Whistleblowers and Witnesses who have made a report or cooperated with an investigation in good faith and with reasonable belief that the report, information, or evidence provided is true.
- C. Any person may anonymously report suspected Wrongdoing or provide evidence or information with regard to an investigation.
- D. The Institute shall not release the names of Whistleblowers and Witnesses (if they so request) unless it is necessary. Such protection shall be afforded even in the event that a report or information of suspected Wrongdoing turns out to be not well-founded, misguided, or incorrect, or that the report or information does not lead to a final determination by the Institute that a Wrongdoing has occurred.

- E. The Institute shall take reasonable measures within its capacities to ensure that the basic rights of any person implicated by a report of Wrongdoing are respected.
- F. Reporting suspected Wrongdoing in no way protects a Whistleblower or Witness from sanctions arising from their own Wrongdoing. In other words, blowing the whistle is no “escape hatch” for complicity in Wrongdoing or for committing other wrongful acts not directly related to the whistleblower complaint; however, depending on the circumstances, their reporting and degree of cooperation shall be taken into consideration in determining the appropriate sanction or other remedy.
- G. All Covered Individuals have a duty to refuse to participate in any Wrongdoing.

ARTICLE III

Scope and Applicability

- A. This Policy applies to Whistleblowers and Witnesses who report suspected Wrongdoing as defined by this Policy. Reports of suspected Wrongdoing concerning matters shall be handled by the EC. Other reports, complaints, or grievances falling outside this scope shall be referred to or handled directly by the appropriate Divisions, Delegations, or Units of the Institute or other authorities lawfully exercising jurisdiction. Complex reports involving multiple concerns may be handled by more than one Division, Delegation, or Unit or authority.
- B. Any person or entity who makes a False or Malicious Report, is not protected by this Policy and may be subject to sanctions or disciplinary action in accordance with relevant IICA’s policies and guidelines, and the provisions of any contractual agreements existing between the Institute and the person or entity.

ARTICLE IV

Reporting and Investigation of Suspected Wrongdoing

- A. Any person or entity may report to the EC allegations of suspected Wrongdoing as defined by this Policy. Persons with information concerning suspected Wrongdoing, particularly when it involves Covered Individuals and Counterparties in IICA-related Activities, are strongly encouraged to report such information to the EC.
- B. Subject to protections available, Covered Individuals have a duty to report suspected Wrongdoing as soon as possible after becoming aware of the suspected Wrongdoing in relation to any IICA-related Activity. No approval, authorizations or clearance shall be necessary for IICA’s Personnel to report suspected Wrongdoing.
- C. Subject to protections available, any supervisor, manager or other such person of the Institute who receives a report of suspected Wrongdoing which is made in good faith, is obligated to transmit such report without delay to the EC.
- D. In accordance with the legal framework of the Institute and any succeeding Policy pertaining thereto, Counterparties are obligated to promptly inform the Institute of reports of suspected prohibited practices found or alleged in connection with an IICA-related Activity; to investigate reports of suspected Prohibited Practices; and to report preliminary and final findings of such investigations to IICA. This obligation is subject to the terms and conditions of any prevailing legal agreements with the Institute.

- E. Reports and information shall be sent to the EC through any of the following points of contact on the proviso that any changes regarding the contact details shall be communicated and disseminated appropriately:

Email:

ec.ce@iica.int

Address:

<http://apps.iica.int/transparenciaiica/public/Reporte?LG=en>

- F. Where a report of suspected Wrongdoing is made against IICA's Personnel, including member of the EC, and/or their immediate family members, such report shall be made to the Chairperson of EC. Reports of suspected Wrongdoing made against the Chairperson of the EC may be made directly to the Director General and/or Chairperson of IICA's Executive Committee.
- G. Persons or entities reporting suspected Wrongdoing shall do so in good faith and provide where possible any information or evidence in their possession that would support a reasonable belief that Wrongdoing may have occurred. Prior to making a report, such persons or entities are not required to evaluate or to determine whether a report that they intend to make meets any threshold of seriousness or gravity.
- H. In order to assist the successful conduct of investigations, reports should be as specific as possible. To the extent possible, they should include such details as:
1. The type of suspected Wrongdoing;
 2. When, where, and how the suspected Wrongdoing occurred; and
 3. Who was involved and may have knowledge of the matters being reported.
- I. Relevant documents or other evidence should be included with the report or provided as soon as possible. The absence of any of the details above, however, should not prevent reporting, nor shall it prevent the EC or any other authority competent for the investigation from investigating reports of suspected Wrongdoing.
- J. Reports of suspected Wrongdoing and any accompanying information or evidence may be made in any language. Where a report is not made in English, the EC shall endeavor to provide translation or interpretation as required.
- K. Protections provided in Articles VIII and IX herein shall apply to persons providing information regarding suspected Wrongdoing. A system to receive and respond to anonymous reports will be available to facilitate anonymous reporting.
- L. Persons who intend to report suspected Wrongdoing and who are uncertain about the rules regarding reporting, or regarding any matter covered by this Policy, may seek confidential advice from the Chairperson of the EC. Covered Individuals may also seek advice on specific cases from the Chairperson of the EC regarding the interpretation or application of this Policy.
- M. Reports of suspected Wrongdoing shall be handled in accordance with the relevant IICA policies and standards. The EC treats seriously and thoroughly investigates reports of suspected Wrongdoing in a manner that is independent and objective by conducting administrative fact-finding investigations, free of control or influence by any other person or entity, and with scrupulous adherence to the principles of fairness and due process.

- N. In instances where reports of suspected Wrongdoing are determined not to fall under the authority of the EC, the EC may refer the person reporting to another body within or external to the Institute as appropriate.

ARTICLE V

Reporting and Investigation of Retaliation

- A. Any Whistleblower or Witness who believes that he or she may suffer or has suffered from Retaliation as a consequence of reporting a suspected Wrongdoing or for cooperating with an EC investigation should report this concern to the Chairperson of the EC, and in the case of alleged retaliation by the Chairperson of the EC, to the Director General and/or Chairperson of IICA's Executive Committee.
- B. Reporting and investigation of Retaliation follows the same rules and procedures as provided in Article IV of this Policy.
- C. Where person alleges that an action adverse to his/her interest taken by the institute constitutes Retaliation as defined herein, the Institute shall have the burden of proving by clear and convincing evidence that the action does not constitute Retaliation – that is, that the adverse action against that person would have been taken against that person even if that person had not reported Wrongdoing in good faith as a Whistleblower or Witness.

ARTICLE VI

Cooperation with Investigations

- A. Subject to protections available, all Covered Individuals have a duty to cooperate (such as by providing information, evidence, or testimony) as Witnesses in investigations of suspected Wrongdoing. This duty is not subject to the authorization of or clearance by any Supervisor or other person, Division, Delegation, or Unit of the Institute, and for any Covered Individual, failure to cooperate may result in disciplinary measures as provided in the relevant Institute policies and guidelines.
- B. In accordance with the relevant Institute principles and policies, and subject to the terms of the corresponding agreements with the Institute, Counterparties are required to cooperate fully with the Institute in any IICA investigation into reports of suspected Prohibited Practices related to a IICA-related Activity, and take all appropriate measures to ensure the full cooperation of relevant persons and entities subject to such investigation, including, in each case, allowing the Institute to meet with relevant persons and to inspect all of their relevant accounts, records, and other documents and have them audited by or on behalf of IICA. The EC may request other persons who are not Covered Individuals or Counterparties to cooperate as Witnesses in investigations.
- C. All Witnesses to EC investigations shall cooperate in good faith and provide information or evidence which they believe to be true.

ARTICLE VII**Anonymity and Confidentiality for Whistleblowers and Witnesses**

- A. Any person may submit a report of suspected Wrongdoing anonymously. Whistleblowers or Witnesses may request confidentiality regarding their identity, the identity of their close family member(s) or associate(s), and specific information conveyed at, during, or after an investigation. The EC will honor confidentiality requests to the extent possible within the legitimate needs of investigation and to the extent due process permits. In the event the due process rights of persons accused of Wrongdoing require the release of the names of Whistleblowers or Witnesses, the EC shall notify such Whistleblowers or Witnesses in advance of any such release.
- B. In adherence to Institute policies and procedures, the EC will protect confidential information provided by Whistleblowers and Witnesses from unauthorized disclosure before, during, and after an investigation as far as possible using all available means, including physical, electronic, and procedural controls.
- C. During an investigation, the EC shall take appropriate measures to protect the confidentiality of any non-public information associated with an investigation, and will take appropriate measures to prevent the unauthorized disclosure of investigative findings. Under certain circumstances and to the extent due process permits, the EC may also keep confidential the identities of investigators involved in an investigation.
- D. In cases where the disclosure of confidential information, may be legitimately necessary to pursue an investigation or protect the due process rights of persons accused of Wrongdoing, the EC shall notify Whistleblowers, Witnesses, and any other party to an investigation to whom confidentiality has been granted.
- E. In exceptional circumstances, and without prejudice to the privileges and immunities of the Institute, the Institute may disclose information when such disclosure is required of the Institute in judicial proceedings or to meet other legal obligations such as those imposed by law enforcement authorities, due process, or when the Institute pursues sanctions or disciplinary actions in response to a report which has been determined as being false and malicious. In such eventualities, the Institute shall inform the Whistleblower, Witness, or any other party protected about the need for disclosure prior to the disclosure.
- F. The EC will have sole access to investigation files and records, and the authority to determine whether such files and records, unedited or redacted, may be disclosed to individuals other than EC personnel on a need-to-know basis and subject to their obligation to keep confidentiality. Authorized staff of EC and EC members who have a conflict of interest in relation to, or who have recused themselves from, an investigation shall not be privy to any information on such investigation.
- G. EC staff involved in an investigation in any capacity are required to preserve and protect the confidentiality of information related to investigations.
- H. The EC shall inform Whistleblowers of the results of its investigation into the alleged Wrongdoing reported by them, including whether suspected Wrongdoing has been substantiated and whether disciplinary measures, sanctions, or other measures have been taken. The extent of such information to be informed shall be subject to the rules of the Information Disclosure Policy of the Institute.

ARTICLE VIII

Protections and Remedies for Covered Individuals

- A. Whistleblowers and Witnesses who are Covered Individuals will be accorded, at their request, interim protection without delay, before, during the course of and pursuant to a review or investigation as necessary to safeguard their safety and well-being, in accordance with the Human Resources Legal Framework or any other Institute policy and procedures.
- B. Where there is reasonable concern that a Covered Individual who is deemed to be a Whistleblower or Witness, or his or her close family member(s) or associate(s), may suffer, or are suffering, from retaliation (in connection with his or her report of suspected Wrongdoing) which may involve threatened or actual harm to personal security and well-being, the EC shall recommend to the Institute's Director General to take the corresponding protective measures.
- C. Where Retaliation against a Whistleblower or Witness who is a Covered Individual, has been substantiated through investigation, the Covered Individual may request, and the EC may recommend, that the Institute implement remedies. The EC will consult with the Director General or the relevant Heads of Independent Units, as appropriate, with regard to the practicability, proportionality, remedies which the EC may recommend. Remedies include rescission or cessation of the retaliatory action and, if relevant, reinstatement to a post or reissuance of contract, and that the Institute pay compensation in an amount reasonably necessary to compensate the said Whistleblower or Witness for the actual damages suffered. The Director General, or the Head of the relevant Independent Unit, as appropriate, shall determine and require the Institute to execute the remedy.
- D. Where Retaliation against a Whistleblower or Witness who is an EC member has been substantiated through investigation, the EC member may request remedies directly to the Director General, which shall determine the remedies to be implemented by the Institute.
- E. The Institute shall ensure that the protection or protective measures and the remedies are implemented without delay.

ARTICLE IX

Protections and Remedies for External Whistleblowers and Witnesses

- A. External Whistleblowers and Witnesses are entitled to the protection provided in this Section and Article VIII above.
- B. The Institute shall endeavor to ensure that external Whistleblowers and Witnesses are protected from Retaliation by Covered Individuals. Covered Individuals who are found to retaliate against External Whistleblowers and Witnesses shall be subject to corrective or disciplinary measures or sanctions, as applicable, in accordance with Institute policies and guidelines. A Counterparty who is found to have directly or indirectly condoned, encouraged, participated, or engaged in Retaliation against Whistleblowers or Witnesses may be subject to sanctions in accordance with relevant Institute policies, subject to any legal agreements, which may be concluded between the Institute and the Counterparty.
- C. Where an External Whistleblower or Witness, his or her close family member(s) or associate(s) may or does suffer Retaliation because of a report of suspected Wrongdoing or cooperation with an EC investigation, the Institute shall endeavor to apply its good offices

with appropriate authorities to secure necessary protection and to employ other reasonable measures to reduce the risks of retaliation.

- D. Where Retaliation against an External Whistleblower or Witness by a Covered Individual or a Counterparty has been substantiated through an Institute investigation, and corrective or disciplinary measures have been imposed against a Covered Individual, or sanctions have been imposed against a Counterparty, the EC, may recommend that the Institute or the Counterparty take appropriate and timely remedies for the benefit of such External Whistleblower or Witness.

ARTICLE X **External Reporting**

- A. Protections against Retaliation shall be extended to a Covered Individual who reports suspected Wrongdoing to a governmental law enforcement authority outside of the established internal mechanisms where that person can show that:
1. Such reporting is necessary so as to avoid: A significant threat to public health and safety; Substantive damage to Institute operations; or Violations of national or international law;
 2. The established internal mechanisms are inadequate because: (a) the Covered Individual has reasonable grounds to believe that it is not possible to report the suspected Wrongdoing through the established internal mechanisms because all such avenues would subject the Covered Individual to Retaliation within the Institute; (b) the Covered Individual has reasonable grounds to believe that it is not possible to report the suspected Wrongdoing through the established internal mechanisms because all such avenues would create a likelihood that evidence relating to the suspected Wrongdoing will be concealed or destroyed; or (c) the Covered Individual has previously reported the suspected Wrongdoing through the established internal mechanisms (and not on an anonymous basis), and was not informed in writing of the status of the matter within six months of such report; and
 3. The Covered Individual does not accept payment or any other benefit from any party for such report.
- B. External reports made and consistent with any confidentiality obligations to concerned third parties will not be considered as a breach of obligations relating to disclosure of information as provided for in Institute policies and guidelines.

ARTICLE XI **Additional Procedural Safeguards**

- A. Any person or entity implicated by a report of suspected Wrongdoing must be notified within a reasonable time of the report made against them, provided that this notification does not impede the progress of the procedure for investigating the suspected Wrongdoing; and

- B. In keeping, with the principles of due process, no findings shall be made in respect of an implicated person or entity unless that person or entity has had the opportunity to respond to the report of suspected Wrongdoing, to examine the evidence supporting the report (subject, if necessary, to redaction for purposes of honoring the confidentiality provisions established in this Policy) and comment on the final report of the EC. At the request of the implicated person, any such comments shall be forwarded to the Director General with the EC report of Wrongdoing.
- C. The procedures and procedural rights of IICA staff members regarding the determination of disciplinary measures and any administrative review or appeal thereto shall be observed in accordance with the Personnel Rules and the Manual of Personnel.
- D. Nothing in this Policy shall affect or shall be construed as a limitation or waiver of the privileges and immunities enjoyed by the Institute.

ARTICLE XII

Communications Capacity Building Actions, and Cooperation

- A. The EC, with the support of the Institute's Human Talent Division, will proactively make known and communicate this and other integrity policies and procedures of the Institute to Covered Individuals Counterparties, and interested stakeholders. It shall ensure that channels for reporting suspected Wrongdoing are reasonably accessible and available.
- B. To further the effective implementation of this Policy, the Institute's Human Talent Division will conduct integrity training in coordination and cooperation with relevant Divisions, Delegations, and Units of the Institute.
- C. IICA shall endeavor to exchange information and experiences with other international organizations regarding the implementation and improvement of Whistleblower policies and protections, subject to the availability of resources.

ARTICLE XIII.

Policy Administration, Monitoring, Reporting, and Review

- A. The EC, in conjunction with the Human Talent Division and the Institute's Legal Advisors, shall be responsible for the implementation of this Policy, which includes advising other areas of the General Directorate for the purpose of assuring strict compliance with its provisions.
- B. The EC shall report on an annual basis to the Director General on the activities it has taken to comply with its obligations under this Policy. In addition to describing those activities, the Report shall contain an evaluation of the effectiveness of this Policy for the subject year and any recommendations for its modifications in light of evolving relevant international standards and other pertinent considerations. The annual reports of the EC shall be available to the Audit Review Committee, the Institute's auditors, and any IICA Member State upon written request to the Director General or Chairperson of the EC.