

Muskaan

Whistle Blower Policy

18 July 2022



1. Introduction

Muskaan requires staff, consultants, interns, volunteers and members of its Executive Committee (ExCo) to observe the highest standards of professional and personal ethics in the conduct of their duties and responsibilities. Such individuals must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations, human rights standards and organisational policies.

The purpose of the Whistle Blower Policy ("the Policy") is to provide the organisational framework for encouraging and allowing any person to report suspected illegal practices, misconduct or violation of Muskaan's policies by staff, consultants, interns, volunteers and ExCo members, without the risk of subsequent retaliation/victimization, discrimination or disadvantage. The Policy applies to all Co Workers/ stakeholders working for the Organization and external stakeholders.

This policy supplements our policies, particularly its *Fraud Policy*, *HR Policy*, *Gender Policy*, *Child Protection Policy* and applicable laws. The Whistle Blowing or reporting mechanism set out in the Policy, invites all Co Workers and external stakeholders to act responsibly to uphold the reputation of the Organization. The Policy aims to provide a mechanism to ensure that concerns are properly raised, appropriately investigated and addressed. The Organization recognizes this mechanism as an important enabling factor in administering good governance practices.

Nothing in this Policy is intended to limit any protections provided to Whistle Blowers by any applicable laws or regulations or to place any limits on a Whistle Blower's ability to communicate with government, administrative, or law enforcement authorities, as provided for by law.

2. Definitions

Co Workers - A co-worker is every bonafide co-worker currently in the employment of the Organization. For the purpose of this policy, co-worker includes Board of directors of the Organization.

External Stakeholders - An external stakeholder is any vendor, donor, service provider or beneficiary of the organization.

Retaliation/Victimization - Retaliation is any act, direct or indirect, recommended, threatened or taken against a Whistle Blower by any person because the Whistle Blower has made a disclosure pursuant to the Policy. Retaliation includes overt/covert acts of discrimination, reprisal, harassment and vengeance.

Whistle Blower - A Whistle Blower means any co-worker or external stakeholder who raises a concern in accordance with this Policy.

Whistle Blowing 'Concern' or 'Complaint' - Whistle blowing (also referred to as 'complaint' or 'concern') can be described as attracting management's attention to information about potentially illegal and/or unacceptable practices in the organization by either a fellow co-worker or external stakeholders.

3. Scope

Co Workers/ stakeholders/external stakeholders can raise concerns/issues, if any, which they have on the following or possibilities/apprehensions of the following **four** main kinds of matters -

- suspected fraud and corruption incidents,
- child safety concerns,
- Human resources (HR) issues and sexual harassment issues
- Breach of Code of Conduct of the organization

Complaints under the above areas mentioned can be shared through CPP, POSH, Anti-Fraud & Anti-Corruption policies and only in case of complaint where the complainant wants to keep their identity protected, they can use this policy

To be considered under the Policy, the complainant (i.e. co-worker or external stakeholder making the complaint) is encouraged to provide the following information in his/her complaint: name, contact details, co-worker number, and department.

Other than complaints relating to concerns regarding child safeguarding, sexual harassment or auditing matter, the Organization shall not entertain any complaint where all such information is not provided, including anonymous/pseudonymous complaints.

Notwithstanding the foregoing, the Officers authorized to receive whistleblowing complaints in their joint discretion, that anonymous/pseudonymous complaints be

considered under the Policy, even when such complaints do not relate to concerns regarding questionable child safeguarding or auditing matters.

4. Reporting responsibility

4.1 Whistleblowing responsibility

This whistleblower policy is intended to encourage and enable any person to report a suspected violation so that the organization can address and correct improper conduct and action. It is the responsibility of all staff, consultants, interns, volunteers and members of the organization to report a suspected violation.

4.2 Acting in good faith

Any person reporting a suspected violation is expected to act in good faith and to reasonably believe that a staff member, consultant, intern, volunteer or an organizational member has failed to comply with human rights standards, laws and regulations applicable to Muskaan, or organisational policies.

If an employee, consultant, intern, volunteer or an organizational member raises allegations that prove to have been made maliciously, or knowingly to be false, this may give rise to disciplinary action.

5. Reporting of a Whistle Blower concern/complaint

5.1 Authorized recipients of the whistleblower complaints

These are two members of the General Body namely Founder member, Ms. Shivani Taneja and current Secretary, Ms. Savita Sohit who will have access to all whistleblower complaints and they will decide the further course of action. They will report status of all complaints and closures to the President of SOS Board Mr. Brajesh Verma.

5.2 Reporting Mechanism

The co-worker / external stakeholder may send a communication directly in writing through a letter to: Ms. Shivani Taneja / Ms. Savita Sohit, 14 Nadir Colony, Shamla Hills, Bhopal or may also send communication through an e-mail addressed to shivani@muskaan.org or savitasohit@rediffmail.com.

Additional modes of communication or access would be made available to Co Workers/stakeholders in appropriate or exceptional situations, as speak in person, which shall then be put down on paper.

6. Administration of Policy:

Within a period of 4 working days, of receipt of the concern by Ms. Shivani/ Ms. Savita, an acknowledgment shall be sent to the sender of the concern (where a return address or email address is available). The acknowledgment shall confirm receipt of the concern and inform the sender that the concern would be inquired into, appropriately addressed and reported to the President and Management as appropriate.

In case the concern does not fall within the ambit of the Whistle Blower Policy, the sender shall be informed that the concern is being forwarded to the appropriate department/authority for further action, as may be deemed necessary.

The authorized two personnel, upon receipt of the concern or complaint shall immediately set in motion appropriate action to inquire into the matter. Depending on the nature of the complaint, the authorized personnel could direct the complaint to the appropriate committee, as Child Protection Committee, Disciplinary Committee or the Finance Committee. However, if the person against whom the complaint has been made is in any way related to these Committees, the authorized personnel will be required to take a new course.

Inquiry into the concerns received under this policy shall normally be completed within 30 days of receipt of the concern by authorized recipients. Once the inquiry is completed, the report will be discussed with President and the Executive Committee. In case further enquiry has to be done the same will be done and appropriate legal action will be initiated by the President/SG as per organizational HR policy.

The concern shall be deemed as closed upon conclusion of the inquiry and disciplinary action, or reporting as required by HR policy, after which the concern shall be reported as closed to the President by the authorized recipients.

The status of all concerns which are open shall be reported to the President by Authorized Recipients on a six monthly basis. Concerns which were closed during the preceding period shall also be informed to the President along with relevant details.

7. Protection Measures

Protection to Co Workers/ external stakeholders and prevention of the said co-worker or stakeholder against retaliation, victimization or harassment raising any concern under the Policy

Any co-worker who makes a disclosure or raises a concern under the Policy will be protected, if the co-worker or external stakeholder:

- Discloses the information in good faith
- Believes it to be substantially true
- Does not act maliciously nor makes false allegations and
- Does not seek any personal or financial gain from the Organization

The Organization will not tolerate any attempt on the part of anyone to retaliate, apply any sanction or disadvantage or to discriminate against any person who has reported to the Organization serious and genuine concern regarding an apparent wrongdoing by any other fellow co-worker or external stakeholder.

7.1 No retaliation

It is contrary to the values of Muskaan for anyone to retaliate against any person who in good faith reports a suspected violation.

An employee, consultant, intern, volunteer, member, senior manager, who retaliates against a whistleblower is subject to discipline up to and including termination of employment, consultancy or membership.

7.2 Confidentiality

Suspected violations may be communicated by a whistleblower with a request for confidentiality. Such communications will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

7.3 Child safeguarding

The principle of the best interests of the child and all the child safeguarding measures foreseen under our Child Protection Policy apply in all cases involving a child or group of children, either as whistleblower or person suspected of wrongdoing, as well as in all cases involving a child safeguarding issue, whether raised by a child or group of children, or adult(s).

Clarifications: Any infractions of the Code of Conduct of the Organization by the complainant after raising the complaint may however invalidate the protection provided under this Policy.

Protection under the Policy shall be available to the co-worker who raises the concern under this Policy till such time that the complainant's employment subsists with the Organization. A co-worker who wishes to raise a concern in respect of any disciplinary

action or any act of retaliation as defined in this Policy against the concerned co-worker can do so within three months of such action or act of retaliation. After this time period has elapsed, the concern, if raised shall not be treated as a concern under this Policy. Notwithstanding the foregoing, the authorized recipients may direct, in their discretion, that such concern be considered under the Policy even if raised beyond the three months' period.

Any attempt on the part of any co- worker to misuse the Policy for personal advantage will be dealt with strictly by the Organization. The organization may impose some financial penalty or suspend a person.

The protections afforded under this Policy shall in no way condone a Co- worker's violation of the Organization's Code of Conduct or other internal policies or schemes, and this Policy therefore does not preclude the Organization from taking appropriate action against a co-worker or external stakeholder who violates the Code of Conduct or other internal policies or schemes. Any proceedings undertaken by the Organization to determine such a violation by any co-worker or external stakeholder, and any ensuing action taken by the Organization against a co- worker or external stakeholder on account of a determination of such violation, are intended to be separate and distinct from the provisions of this Policy.

The foregoing is not intended to undermine protections afforded by this Policy in cases where the Authorized recipients are satisfied that the co-worker or external stakeholder has blown the whistle in good faith. Additionally, a co-worker or stakeholder not regarded as a whistle-blower under the Policy, including on account of such co- worker or stakeholder's acts or omissions, shall not be entitled to the protections under this Policy.

8. Guidelines to the Whistle Blower

a) Whistle blowers are required to provide initial information relating to a reasonable belief that an unethical activity has occurred.

Whistle Blowers have a responsibility to be candid with the Investigators.

9. Confidentiality and Anonymity

Strict confidentiality during and shall be maintained with regard to the identity of the complainant, both post investigation. The identity of the complainant shall not be released unless required by law.

Upon disclosure of identity, protection as defined in Para 5 of the Policy will be provided to the co-worker/ stakeholder. Disclosure of identity would not have any impact on the co-worker's performance appraisal, assignment of work or other matters related to employment with the Organization if the whistle blower is from within the Organization.

This Policy does not preclude the Organization from taking appropriate action against a co-worker or external stakeholder who improperly and/or in violation of the Code of Conduct, or who discloses fact that he or she has lodged the complaint or the complaint (in whole or in part) to any member of the public in any form or manner including over social media platform/s. Any proceedings undertaken by the Organization in such circumstances, and any ensuing action taken by the Organization against an co- worker or stakeholder, are intended to be separate and distinct from the provisions of this Policy. The foregoing is not intended to undermine protections afforded by this Policy in cases where the Authorized recipients are satisfied that the co- worker or external stakeholder has blown the whistle in good faith.

10. Record keeping

Records pertaining to the complaint shall be maintained by the office of the Secretary General or HR deptt. Records shall be maintained as per the existing policy for 10 years.

11. Other matters

Head- HR and Audit Head shall lay down an appropriate mechanism to communicate the policy periodically to the Co Workers/ stakeholders and for its suitable display on the Organization's intranet, etc. For better understanding of the Policy by Co Workers/ stakeholders, FAQs and their responses would also be suitably displayed. Queries/clarifications under the policy would be handled by Head- HR or the team members nominated for the purpose.