



EFICOR WHISTLE BLOWER POLICY

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EFICOR WHISTLE BLOWER POLICY

A. WHISTLE BLOWER POLICY DEFINITIONS:

The definitions of some of the key terms used in this Policy are given below. Capitalized terms not defined herein shall have the meaning assigned to them under the Code.

1. “Governance Committee” means the Committee constituted by the Members of Board of the Organization as approved by the Board.
2. “Employee” means every staff of the Organization.
3. “Code” means EFICOR Code of Conduct.
4. “Investigators” means those persons authorized, appointed, consulted or approached by the Chairperson of the Governance Committee / Executive Director.
5. “Protected Disclosure” means any communication made in good faith that discloses or demonstrates information that may evidence unethical or improper activity.
6. “Subject” means a person against or in relation to whom a Protected Disclosure has been made or evidence gathered during the course of an investigation.
7. “Whistle Blower” means a staff member of EFICOR making a Protected Disclosure under this Policy.

B. PREFACE:

EFICOR’s Vision, Mission, Core Values and Code of Conduct, (Code) lays down the principles and standards that govern the actions of the organizations and its employees. EFICOR believes in fair and transparent manner by adopting highest standards of professionalism, honesty, integrity ethical behavior and commitment to open communication. Any actual or potential violation of the Code, howsoever insignificant or perceived as such, would be a matter of serious concern for EFICOR. The role of the employees, partners and stakeholders in pointing out such violations of the Code cannot be undermined.

Whistle Blower Policy is to report to the management instances of unethical behavior, actual or suspected, fraud or violation of the EFICOR’s code of conduct or ethics. Whistle Blower Policy (“the Policy”) has been formulated with a view to provide a mechanism for employees, partners and stakeholders of the organizations to approach the Chairperson of the Governance Committee or the Executive Director of EFICOR.

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C. OBJECTIVES:

1. To provide employees, partners and stake holders an avenue to raise concerns, in line with EFICOR Policies.
2. The purpose of this policy is to provide a framework to promote responsible and secure whistle blowing. It protects employees wishing to raise a concern about serious irregularities within EFICOR.
3. The policy neither releases employees from their duty of confidentiality in the course of their work, nor is it a route for taking up a grievance about a personal situation.
4. To provide necessary safeguards for protection of employees from reprisals or victimization, for whistle blowing in good faith.

D. SCOPE:

This applies to all employees, partners and stakeholders. The Protected Disclosures may be in relation to matters concerning the Organization, Staff and the partners.

E. COVERAGE:

Eligibility: All staff members are eligible to make Protected Disclosures under the Policy. The Protected Disclosures may be in relation to matters concerning the employees, partners and stakeholder.

F. DISQUALIFICATION:

1. While it will be ensured that genuine Whistle Blowers are accorded complete protection from any kind of unfair treatment as herein set out, any abuse of this protection will warrant disciplinary action.
2. Protection under this Policy would not mean protection from disciplinary action arising out of false or bogus allegations made by a Whistle Blower knowing it to be false or bogus or with a mala fide intention.
3. Whistle Blowers, who make any Protected Disclosures, which have been subsequently found to be mala fide or malicious or Whistle Blowers who make 3 or more Protected Disclosures, which have been subsequently found to be frivolous, baseless or reported otherwise than in good faith, will be disqualified from reporting further Protected Disclosures under this Policy.
4. Whistle Blowers, who make any Confidential Disclosures, he / she shall disclose the Confidential Disclosure within one month time from the date of he / she got

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the information on the issue / allegation / incident / event / unlawful / unethical / illegitimate activity. In case he / she needs more time to establish the evidence, can be provided by the appropriate authorities. When the Whistle Blower report is beyond the stipulated period, the time bound report will be disqualified from reporting further Protected Disclosures under this Policy unless and until there are valid reasons to do so.

G. PROCEDURE:

1. Protected Disclosure

- a.** All Protected Disclosures concerning financial/accounting matters should be addressed to the Chairperson of the Governance Committee of the Organization for investigation.
- b.** In respect of all other Protected Disclosures, those concerning the employees at the levels of Grade V and above should be addressed to the Chairperson of the Governing Committee and those concerning other employees should be addressed to the Executive Director of the Organization.
- c.** The contact details of the Chairperson of the Governance Committee are as under:

Mr. Richard Howell
Chairperson
Governance Committee

The contact detail of the Executive Director is as under:

Mr. Kennedy Dhanabalan
Executive Director
EFICOR

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- d. If any Managers or staff of the organization other than Chairperson of Governance Committee or the Executive Director receives a protected disclosure, the same is to be forwarded to the Chairperson of Governance Committee or the Executive Director for further appropriate action. Appropriate care is to be taken to keep the identity of the Whistle Blower confidential.
 - e. Protected Disclosures should preferably be reported in writing so as to ensure a clear understanding of the issues raised and should either be typed or written in a legible handwriting in English, Hindi or in the regional language of the place of employment of the Whistle Blower.
 - f. The Protected Disclosure should be forwarded under a covering letter which shall bear the identity of the Whistle Blower. The Chairperson of Governance Committee or the Executive Director, as the case may be shall detach the covering letter and forward only the Protected Disclosure to the Investigators for investigation.
 - g. Protected Disclosures should be factual and not speculative or in the nature of a conclusion, and should contain as much specific information as possible to allow for proper assessment of the nature and extent of the concern.
 - h. For the purpose of providing protection to the Whistle Blower, the Whistle Blower should disclose his/her identity in the covering letter forwarding such Protected Disclosure. Appropriate care must be taken to keep the identity of the Whistle Blower confidential.
2. Investigation:
- a. All Protected Disclosures reported under this Policy will be thoroughly investigated by the Chairperson of the Governance Committee or the Executive Director who will investigate / oversee the investigations.
 - b. The Chairperson of the Governance Committee or the Executive Director may at his discretion, consider involving any Investigators for the purpose of investigation.
 - c. The decision to conduct an investigation taken by the Chairperson of the Governance Committee or the Executive Director is by itself not an accusation and is to be treated as a neutral fact-finding process. The outcome of the investigation may not support the conclusion of the Whistle Blower that an improper or unethical act was committed.
 - d. The identity of a Subject and the Whistle Blower will be kept confidential to the extent possible given the legitimate needs of law and the investigation.

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- e. The Subjects will normally be informed of the allegations at the outset of a formal investigation and have opportunities for providing their inputs during the investigation.
 - f. The Subjects shall have a duty to co-operate with the Chairperson of the Governance Committee or the Executive Director or any of the Investigators during investigation to the extent that such co-operation will not compromise self-incrimination protections available under the applicable laws.
 - g. The Subjects have a right to consult with a person or persons of their choice, other than the Chairperson of the Governance Committee or the Executive Director and/or the Whistle Blower. The Subjects shall be free at any time to engage counsel at their own cost to represent them in the investigation proceedings.
However, if the allegations against the subject are not sustainable, then EFICOR may see reason to reimburse such costs.
 - h. The Subjects have a responsibility not to interfere with the investigation. Evidence shall not be withheld, destroyed or tampered with, and witnesses shall not be influenced, coached, threatened or intimidated by the Subjects.
 - i. Unless there are compelling reasons not to do so, the Subjects will be given the opportunity to respond to material findings contained in an investigation report. No allegation of wrongdoing against a Subject shall be considered as maintainable unless there is good evidence in support of the allegation.
 - j. The subjects have a right to be informed of the outcome of the investigation. If allegations are not sustained, the Subject should be consulted as to whether public disclosure of the investigation results would be in the best interest of the Subject and the organization.
 - k. The investigation shall be completed normally within 45 days of the receipt of the Protected Disclosure.
3. Protection:
- a. No unfair treatment will be meted out to a Whistle Blower by virtue of his/her having reported a Protected Disclosure under this Policy. EFICOR, as a policy, condemns any kind of discrimination, harassment, victimization or any other unfair employment practice being adopted against Whistle Blowers. Complete protection will, therefore, be given to Whistle Blowers against any unfair practice like retaliation, threat or intimidation of termination/suspension of service, disciplinary action, transfer, demotion, refusal of promotion, or the like including any direct or indirect use of authority to obstruct the Whistle Blower's right to continue to perform his duties/functions including making

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further Protected Disclosure. EFICOR will take steps to minimize difficulties, which the Whistle Blower may experience as a result of making the Protected Disclosure. Thus, if the Whistle Blower is required to give evidence in criminal or disciplinary proceedings, EFICOR will arrange for the Whistle Blower to receive advice about the procedure, etc.

- b.** A Whistle Blower may report any violation of the above clause to The Chairperson of Governance Committee or the Executive Director, who shall investigate into the same and recommend suitable action to the management.
- c.** The identity of the Whistle Blower shall be kept confidential to the extent possible and permitted under law.
- d.** Any other Employee assisting in the said investigation shall also be protected to the same extent as the Whistle Blower.

4. Investigators:

- a.** Investigators are required to conduct a process towards fact-finding and analysis. Investigators shall derive their authority and access rights from The Chairperson of Governance Committee or the Executive Director when acting within the course and scope of their investigation.
- b.** Technical and other resources may be drawn upon as necessary to augment the investigation. All Investigators shall be independent and unbiased both in fact and as perceived. Investigators have a duty of fairness, objectivity, thoroughness, ethical behavior, and observance of legal and professional standards.
- c.** Investigations will be launched only after a preliminary review by The Chairperson of Governance Committee or the Executive Director, as the case may be, which establishes that: the alleged act constitutes an improper or unethical activity or conduct, and the allegation is supported by information specific enough to be investigated or in cases where the allegation is not supported by specific information, it is felt that the concerned matter is worthy of management review. Provided that, such investigation should not be undertaken as an investigation of an improper or unethical activity or conduct.

5. Decision:

If an investigation leads The Chairperson of Governance Committee or the Executive Director to conclude that an improper or unethical act has been committed.

The Chairperson of Governance Committee or the Executive Director shall

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recommend to the management of EFICOR to take such disciplinary or corrective action as The Chairperson of Governance Committee or the Executive Director may deem fit. It is clarified that any disciplinary or corrective action initiated against the Subject because of the findings of an investigation pursuant to this Policy shall adhere to the applicable personnel or staff conduct and disciplinary procedures.

6. Action on the investigation report:

The Executive Director or the Chairperson of the Governance Committee should initiate appropriate actions on the investigation report in writing within one week of time.

H. REPORTING:

The Executive Director shall submit a report to the Chairperson of the Governance Committee on a regular basis about all Protected Disclosures referred to him/her since the last report together with the results of investigations, if any.

I. RETENTION OF DOCUMENTS:

All Protected Disclosures in writing or documented along with the results of investigation relating thereto shall be retained by EFICOR for a minimum period of Five years.

J. AMENDMENT:

EFICOR reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever. However, no such amendment or modification will be binding on the Staff Members unless the same is notified to them in writing.

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DECLARATION OF COMMITMENT

To be signed by all EFICOR staff (regular, contracted and project) and volunteers.
A copy will be kept on file at the appropriate EFICOR office or personnel file.

I declare that:

1. I have read and understood *EFICOR Whistle Blower Policy*.
2. I will work within the procedure as laid out in *EFICOR Whistle Blower Policy*.
3. I recognize that if any of the staff do not follow the rules and regulations of the organization or misappropriating funds or not following the procedures and if I come to know it, its my duty to inform the concerned higher officials. If I fail to do so, I recognize that it is an offense.

Name : _____

Signature : _____

Date : _____