

Article 36: Whistle-blowers Policy

Objective:

This policy defines the process for the employees to report to the management instances of unethical behavior, actual or suspected, fraud or violation of the Foundation's Policy.

The Foundation requires Directors, officers and staffs to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. As representatives of the Foundation, all employees are encouraged to practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

Applicability:

Applicable to staffs whether on roll or on contract

Definitions

- **“Investigators”** mean those persons authorized, appointed, consulted or approached by Executive Director for the purpose of investigation
- **“Protected Disclosure”** means any communication made in good faith that discloses or demonstrates information that may indicate unethical or improper activity
- **“Alleged employee”** means a person against or in relation to whom a Protected Disclosure has been made or evidence gathered during the course of an investigation
- **“Whistle Blower”** means an Employee making a Protected Disclosure under this Policy

Features

I. Preface

- The Whistle Blower's role is that of reporting with reliable information any violation of ethical behaviour, Foundation's policies and values. They are not required or expected to act as investigators or finders of facts, nor determine the appropriate corrective or remedial action that should be taken in a given case.
- Whistle Blowers should not conduct any investigation on their own. They should participate only to the extent requested by the Executive Director.

II. Disqualifications

- All Whistle Blowers will be given complete protection from any kind of unfair treatment. If there is a violation of this protection disciplinary action will be taken. 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.
- Whistle Blowers, who make any Protected Disclosures, which have been subsequently found to be mala fide or malicious or Whistle Blowers who make three 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

disclosures under this Policy and disciplinary action may be initiated which may lead to even termination of services.

III. Procedure

- Employees should raise all matters to be addressed to the Executive Director for investigation
- If any employee receives a protected disclosure, he/she should forward the same to Executive Director for further action.
- Appropriate care will be taken to keep the identity of the Whistle Blower confidential
- Employees should preferably report Protected Disclosures in writing so as to ensure a clear understanding of the issues raised and should either be typed or written in a legible handwriting. Employees can submit a report through an email as well, to Executive Director.
- The Executive Director will forward the Protected Disclosure to the Investigators for investigation without disclosing the name of the Whistle Blower.
- 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.
- 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.

IV. Investigation

- All Protected Disclosures reported under this Policy will be thoroughly investigated by the Executive Director or he may decide to form a committee for the purpose of investigation. Head-HR should be a part of the investigation committee
- The decision to conduct an investigation taken by the Executive Director is by itself not an accusation and will be treated as a neutral fact-finding process
- The identity of the alleged employee and the Whistle Blower will be kept confidential to the extent possible given the legitimate needs of law and the investigation
- At the outset of a formal investigation, the allegations will be communicated to alleged employee. He/she will be given an opportunity to provide their inputs during the investigation.

Responsibilities of the alleged employee:

- Cooperate with the investigators during the investigation
- Not to interfere with the investigation, withhold or destroy or tamper with any evidences
- Influence, coach, threaten or intimidate the witness/witnesses

Rights of the alleged employee:

- His/her identity is kept confidential
 - Consult with person/persons of his/her choice other than Head-HR/Executive Director
 - Take legal help at his/her own cost
 - Information about the outcome of the investigation
- All efforts will be made to complete the investigation within 45 days of the receipt of the Protected Disclosure and the alleged employee will be informed of the outcome of the investigation.

V. Protection

- There will be no unfair treatment to the Whistle Blower for reporting a Protected Disclosure under this Policy. The Foundation 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 further Protected Disclosure. The Foundation will take steps to minimize difficulties, which the Whistle Blower may experience as a result of making the Protected Disclosure
- A Whistle Blower may report any violation of the above clause to Executive Director, who will investigate into it and take suitable action
- The identity of the Whistle Blower will be kept confidential to the extent possible and permitted under law
- Any other Employee assisting in the said investigation should also be protected to the same extent as the Whistle Blower

VI. Decision

After the investigation is over and if the alleged employee is found guilty, disciplinary /corrective action will be taken as per rules.

VII. Retention of documents

The Foundation will retain all Protected Disclosures in writing or related documents, proceedings of the investigations and its results for a minimum period of 10 years.