



# **EFICOR'S** **Whistle Blower Policy**

**COVER PAGE**

**CONTENTS**



# EFICOR POLICIES

## ORGANISATION POLICIES

### WHISTLE BLOWER POLICY

COVER PAGE

CONTENTS

#### **Preamble:**

EFICOR is working to establish a just, responsible and compassionate society,

- ▶ It is committed to promote an environment that is of mutual respect and understanding.
- ▶ It believes in the principles of stewardship, transparency, accountability and inclusivity.
- ▶ To further the objectives and the principles it embodies, the Board of EFICOR has resolved to create policies and guidelines to achieve its stated objectives.

#### **The Source of its Values, Principles and Practices**

1. Our understanding, principles, and practices are guided by the law of the land.
2. Our involvement will be based on the voices of different groups in a community and primary and secondary data.

#### **Application of the Policy**

This Policy applies to

- Any Staff Member is are defined in EFICOR Employment Policy.
- Any Representatives, which includes: Board and Society Members, Guests, Visitors, Supporters. Consultants, Journalists, Photographers, Media Persons, Interns etc.

EFICOR Whistle Blower Policy states as under:

Definition: For EFICOR “Whistle-blowers” means either a staff or representative or community members where EFICOR is working who make a Protected Disclosure under this Policy.

The Board directs the Management to draft and implement appropriate rules, guidelines and actions to be taken to fulfil the Whistle Blower Policy.

The Board of Management at its meeting dated July 26, 2019, adopted “EFICOR Whistle Blower Policy”. The Board of Management approved the rules, regulations and processes as recommended by the Management for the implementation of the policy.

#### **EFICOR Whistle Blower Policy rules, regulations and processes**

##### **A. Whistle Blowers 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. “Code” means EFICOR Code of Conduct.
2. “Investigators” means those persons authorized, appointed, consulted or approached by the Chairperson of the Governance Standing Committee / Executive Director.
3. “Protected Disclosure” means any communication made in good faith that discloses or demonstrates information that may evidence unethical or improper activity.
4. “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.

#### COVER PAGE

#### CONTENTS

#### **B. Preface:**

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-blowers Policy has been formulated with a view to provide a mechanism for staff, representatives and community members where EFICOR works to approach the Chairperson of the Governance Standing Committee or the Executive Director of EFICOR.

#### **C. Objectives:**

1. To provide employees, partners and stakeholders 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, representatives and community members from reprisals or victimization, for whistle blowing in good faith.

#### **D. Coverage:**

Eligibility: Staff, representatives and Community Members where EFICOR is working are eligible to make Protected Disclosures under the Policy. The Protected Disclosures may be in relation to matters concerning the employees, partners and stakeholders.

#### **E. 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 allegations made by a Whistle Blower knowing it to be false or made with 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, shall disclose the Confidential Disclosure within one month time from the date of he / she got the information on the issue / allegation / incident / event / unlawful / unethical / illegitimate activity. In case more time is necessary to establish the evidence, it 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.

#### **F. Procedure:**



# EFICOR POLICIES

## ORGANISATION POLICIES

### WHISTLE BLOWER POLICY

#### COVER PAGE

#### CONTENTS

#### 1. Protected Disclosure

a. All Protected Disclosures concerning financial/accounting matters should be addressed to the Chairperson of the Governance Standing 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 Standing Committee and those concerning other employees should be addressed to the Executive Director of the Organization.

c. The Protected Disclosure can be sent by postal mail, written on the cover “Confidential and to be opened only by the person to whom the letter is addressed” and sent to the Chairperson, Governance Standing Committee or Executive Director. If it is by email, they can be sent to the following email id: ed@eficor.org or convenorgsc@eficor.org; or chair@eficor.org.

d. If any Manager/Zonal Implementer or staff of the organization other than Chairperson of the Governance Standing Committee or the Executive Director receives a protected disclosure, the same is to be forwarded to the Chairperson of the Governance Standing Committee or the Executive Director for further appropriate action. Appropriate care is to be taken to keep the identity of the Whistle-blowers 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-blowers.

f. 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.

g. For the purpose of providing protection to the Whistle-blowers, 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-blowers confidential.

#### 2. Investigation:

a. All Protected Disclosures reported under this Policy will be thoroughly investigated by the Chairperson of the Governance Standing Committee or the Executive Director who will investigate / oversee the investigations.

b. The Chairperson of the Governance Standing 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 Standing 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-blowers that an improper or unethical act was committed.

d. The identity of a Subject and the Whistle-blowers will be kept confidential to the extent possible given the legitimate needs of law and the investigation.

e. The Subjects will normally be informed of the allegations at the outset of a formal



# EFICOR POLICIES

## ORGANISATION POLICIES

### WHISTLE BLOWER POLICY

#### COVER PAGE

#### CONTENTS

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 Standing 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 Standing Committee or the Executive Director and/or the Whistle-blowers. 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. 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-blowers 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 Blower.

b. 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. EFICOR will take steps to minimize difficulties, which the Whistle-blowers 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. A Whistle-blower may report any violation of the above clause to The Chairperson of the Governance Standing Committee or the Executive Director, who shall investigate into the same and recommend suitable action to the management.

c. The identity of the Whistle-blowers 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-blowers.

#### COVER PAGE

#### CONTENTS

#### **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 the Governance Standing 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 the Governance Standing 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 the Governance Standing Committee or the Executive Director to conclude that an improper or unethical act has been committed then The Chairperson of the Governance Standing Committee or the Executive Director shall 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 Standing Committee should initiate appropriate actions on the investigation report in writing within one week of time.

#### **G. Reporting:**

The Executive Director shall submit a report to the Chairperson of the Governance Standing 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.

#### **H. 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.

#### **I. Amendment:**

EFICOR reserves its right to amend or modify this Policy in whole or in part, at any



# EFICOR POLICIES

## ORGANISATION POLICIES

### WHISTLE BLOWER POLICY

COVER PAGE

CONTENTS

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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