



WHISTLEBLOWING AND COMPLAINT POLICY

Policy Owner:	Human Resources, People and Talent Unit
Approved by:	Danny Alkhoury
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1. INTRODUCTION

The MENA Trauma Healing Resource Center (hereinafter referred to as “MENA THRC,” “THRC,” or “we”) Whistleblowing and Compliant Policy (hereinafter referred to as the “Policy”) reflects THRC’s commitment to providing a safe and trustworthy environment for the THRC people we serve, MENA staff, volunteers, Partners, supporters, and affiliated people.

THRC is committed to upholding the highest ethical standards while fostering a culture of ethical and moral behavior and exemplary corporate governance. THRC promotes the reporting of inappropriate behavior, including any suspected instances of unethical, unlawful, fraudulent, or undesired behavior involving THRC, and will guarantee that people who report improper conduct do so without fear of intimidation, disadvantage, or retaliation.

2. SCOPE

This Policy applies to all Eligible Whistleblowers who could be identified as THRC officers or staff (including current and former employees), vendors/subcontractors, volunteers, Partners, or any of their relatives or dependents.

An Eligible Whistleblower is obligated to expose unlawful conduct in accordance with this Policy, has the right to speak freely and truthfully to report misconduct in a safe environment, and may seek protection against retribution for making the report (see Section 7: Whistleblower Protections).

3. PURPOSE

The purpose of this Policy is to:

- 3.1. Encourage the reporting of Reportable Behavior;
- 3.2. Ensure that any complaints of Reportable Behavior are correctly and swiftly handled;
- 3.3. Ensure that Eligible Whistleblowers are protected and can report any misconduct in confidence without fear of victimization, harm, or reprisal if the Eligible Whistleblowers have a reasonable belief that you have disclosed information in good faith;
- 3.4. Ensure the establishment of a framework for THRC people to receive, investigate, and respond to complaints alleging that THRC or anyone associated with THRC has engaged in

serious wrongdoing, such as corrupt, illegal, or unethical behavior relating to the operations of THRC or its current and former officers, agents, employees, and contractors (the organization);

- 3.5. Provide natural justice and procedural fairness to individuals accused of a Reportable Behavior;
- 3.6. Ensure that THRC is in compliance with the local legal and regulatory responsibilities;
- 3.7. Support the long-term sustainability and reputation of the organization.

4. DEFINITIONS

- 4.1. **A complaint** is a statement of displeasure or concern towards THRC as an organization, or a THRC person, in which a response or resolution is expected, either explicitly or implicitly. It differs from whistleblowing or a grievance.
- 4.2. **Good faith is considered** an action that entails a sincere conviction or motive without prejudice.
- 4.3. **Grievance is considered** a problem, concern, dispute, or complaint related to work or the environment.
- 4.4. **Guests and visitors are considered the people hosted by THRC.** The latter visit national and regional offices and execute or financially support projects but are not THRC staff, implementing Partners, journalists, photographers, THRC spokespeople, board members, and donors.
- 4.5. **Harm is considered** any physical, emotional, or psychological injury or damage to the individual's health, survival, development, or dignity.
- 4.6. **Partner or (Implementing Partner) is considered** a private and public entity, other than sub-grantees or vendors, with which the THRC has a contractual arrangement or memorandum of understanding (MoU) for project implementation.
- 4.7. **The people we serve** are considered children and vulnerable adults benefiting from THRC work and operations.
- 4.8. **THRC staff are considered** individuals involved in THRC program operations, part-time and full-time employees, workers, contracted workers, consultants, independent contractors, fellows and interns, and volunteers.
- 4.9. **THRC People** are considered THRC staff, volunteers, contractors, and consultants as described in the scope of the Policy.
- 4.10. **Vendor/Subcontractor** is any individual, corporation, or organization with which the THRC has a contractual relationship for providing goods or services that support the project's operations and, consequently, the people we serve.
- 4.11. **An Eligible Whistleblower (or Whistleblower) is considered** a THRC officer or staff (including current and former employees), vendors/ subcontractors, volunteers, Partners, or any of their relatives or dependents who report a suspected wrongful act.
- 4.12. **Eligible Recipient:** See section 6.4.1
- 4.13. **Whistleblowing Disclosure (or Protected Disclosure) is considered** a disclosure that entails matters beyond criminal breaches, including breaches of local government laws and regulations. Conduct that is not illegal but indicates systemic issues will also be disclosable. However, the protections will not extend to disclosures about personal employment or workplace grievances such as interpersonal conflicts, transfer, promotion, or disciplinary decisions.

5. PRINCIPLES

- 5.1. **Higher Standard:** This Policy is intended to fulfill THRC's legal duties. If any portion of this Policy conflicts with a law that THRC is obligated to follow, the law or "higher standard" shall prevail.
- 5.2. **Speak Out and Report:** We urge THRC People to report any misconduct in accordance with THRC policies and procedures.
- 5.3. **Responsible Whistleblowers:** THRC expects people to act honorably and morally and to base any reports they submit on legitimate reasons.
- 5.4. **Whistleblowers Protections:** THRC's duties and obligations to Eligible Whistleblowers are outlined in Section 7, 'Whistleblower Protections.'
- 5.5. **Procedures are Impartial:** All decisions pertaining to the well-being and protection of the people we serve shall be governed by the principle of "Best Interests." Throughout the Whistleblowing Procedure, THRC will adhere to just and fair practices to guard the Whistleblower and any employee who is the subject of a disclosure
- 5.6. **Confidentiality:** THRC will maintain the confidentiality of all reports and, to the greatest extent possible, protect the identity of Whistleblowers. THRC highly suggests that Whistleblowers identify themselves to a Whistleblower protection officer while they are permitted to disclose their concerns in an anonymous manner.

6. WHISTLEBLOWING REPORT

6.1. What is Reportable Behavior

A Whistleblowing Disclosure is a disclosure of Reportable Behaviour (Reportable Conduct) by an Eligible Whistleblower who has reasonable reasons to suspect any of the following behaviours: (or the deliberate concealment of such conduct) in relation to THRC or a related corporate body (including their employees or officers):

- Conduct constituting an inappropriate state of affairs or set of circumstances with respect to THRC or a related institute or organization;
- Conduct constituting a violation of the national law;
- Conduct constituting a criminal offense or misconduct (including fraud, theft, bribery, negligence, manipulation of finance, breach of trust, breach of duty, criminal damage to property or improper conduct in tax affairs);
- Conduct likely to harm the financial status or reputation of THRC
- Behavior constituting inappropriate states of affairs situations (i.e., violations of the THRC Code of Conduct, unethical behavior, improper behavior pertaining to accounting, internal controls, compliance, audit, or misuse of THRC resources);
- Conduct constituting endangerment of the health and safety of THRC workers or the general public;
- Conduct constituting sexual assault or any other type of physical or mental harm to anyone, including those who access and support THRC's projects, is explicitly forbidden;
- Conduct constituting suppression or concealment of any of the above.

THRC Implementing Partners may also be contacted for any of the above situations. To provide Whistleblower protection and proper investigation and reporting procedures, THRC will determine how the Partner should be notified of the report and will collaborate with the Partner and any appropriate authorities, suitable individuals, or organizations to promote proper investigation and reporting procedures.

6.2. What is not Reportable Behavior?

Reportable Behavior is not inclusive of personal work-related grievances.

Personal work-related grievances are issues that are related to a person's current or prior employment with THRC and have or are likely to have personal effects but do not involve:

- a substantial implication for THRC or a comparable organization;
- a conflict between the employee who disclosed the information and another MENA THRC staff;
- a decision about the engagement, transfer, or promotion of the discloser;
- a decision regarding the terms and conditions of engagement of the discloser;
- a decision to suspend or terminate the engagement or otherwise to discipline the discloser.

6.3. Whistleblowing Disclosure Conditions

THRC accepts both written and verbal reports, but the written form is preferred. Disclosures should include as many details and supporting evidence as possible. Whistleblowers can file a complaint anonymously; however, this may hinder any subsequent investigation.

For a report to be investigated, it must contain sufficient information to establish a reasonable investigational basis. It should include information such as: (1) the nature of the alleged violation, (2) the individual or individuals responsible for the violation, (3) the basis for the complainant's belief that a violation has occurred and has been committed by the named individual (i.e., possible witnesses, date, time, location, and evidence of the events such as documents or emails), (4) the nature and location of any additional evidence that would support the allegations (if known), and (5) Any action taken to report the issue to another party or address the issue.

The absence of evidence will be considered when considering whether to investigate the case; nevertheless, the absence of evidence is not an absolute bar to the investigation.

6.4. Reporting and Disclosure Process

The Reporting Conduct and Disclosure Process could be summarized as follow:

6.4.1. Submitting a Report

The Eligible Whistleblower must disclose the Whistleblower report to an Eligible Recipient. The Eligible Recipients are:

- The Monitoring and Evaluation Officer, Head of Programs, the Head of Human Resources, People and Talent, or the Executive Director when they are unavailable.
- A *member of the Executive Leadership Team (ELT)*. When a member of the ELT receives a report, they will immediately inform the Executive Director unless the report is in relation to the Executive Director, in which case they will immediately inform the Chairman of the Board of Directors.
- *The Chairman of the Board*. When the Chairman of the Board receives a report, they will inform the Executive Director, unless the report is in relation to the Executive Director.

Complaints may be submitted using the Whistleblowing Complaints Form or may be sent to info@menathrc.org (which is addressed to the Compliance and Safeguarding Officer and People and Culture Director) or info@menathrc.org, which is forwarded to the THRC Board Chair.

All disclosures made under this Policy will be handled sensitively, promptly, fairly, and objectively. If you provide your name, it will only be released with your consent or if required by law. Discuss your concerns with the recipient.

6.4.2. Conduct the Investigation

All disclosures of Reportable Behavior must be referred to the Whistleblowing Investigation Officer (WIO) (or, where there is a conflict of interest, another appropriate person) by the Eligible Recipient.

The WIO is the **[Head of Policy and Compliance]**

The WIO shall analyze the information and determine: (1) whether the disclosure pertains to Reportable Behavior and qualifies for protection under this Policy and (2) whether an investigation is necessary or appropriate, taking into consideration whether enough information exists to investigate the disclosure.

Occasionally, THRC may not be able to conduct an investigation if it cannot reach the Whistleblower to obtain consent or information.

The WIO defines the proper Whistleblowing investigative method, which includes:

1. The nature and scope of the investigation;
2. The persons qualified to undertake the investigation (including whether an external investigator should be engaged)
3. The nature of any technical, financial, or legal advice that may be necessary;
4. The investigation's time limit takes into consideration the Reportable Behavior's nature and scope, the complexity of the issues, and any other relevant factors).

All Whistleblowing Disclosures shall be submitted to the Confidential Reporting Committee if the WIO considers it appropriate.

During the investigation process, any personnel who is the subject of a disclosure made according to this Policy will be treated fairly. Therefore, employees will have the opportunity to be notified of and react to any Reportable Behavior allegations made against them during or as a consequence of the investigation.

6.4.3. Communicate with the Whistleblower

If the identity of the Whistleblower is disclosed in the Whistleblowing Disclosure, THRC will contact the Whistleblower within **five (5)** working days of receiving the disclosure. The Whistleblower will be contacted within **fourteen (14)** working days, once the disclosure has been sent to the **WIO**, to inform them of the important procedural milestones if the THRC continues to investigate.

In some instances, THRC may be obligated to report allegations of Reportable Behavior to law enforcement or another entity. Under such circumstances, THRC may be unable to update you on the progress of a Whistleblowing Disclosure.

Further, to ensure fair treatment during the investigation, any employee who is the subject of a disclosure made according to this Policy will be treated fairly. Therefore, relative employees will be notified within five working days of and react to any Reportable Behaviour allegations made against them during or as a consequence of the investigation.

6.4.4. Reporting Investigation findings

THRC shall apply procedural fairness and natural justice principles to all investigations performed according to this Policy. Once the investigation has been concluded, the WIO will decide the appropriate course of action (if any) for THRC in light of the findings. This may include a disciplinary procedure or another kind of escalation within or beyond THRC and its subsidiaries.

The investigation's findings will be documented and reported differently depending on the nature of the disclosure. If appropriate and subject to any relevant confidentiality, privacy, or legal limitations, the WIO shall inform the Whistleblower and any employee who was the subject of disclosure of the investigation's findings. In accordance with this Policy, the THRC will ensure that the publication of an investigation's conclusions does not violate the confidentiality of any involved parties.

7. WHISTLEBLOWER PROTECTIONS

THRC will make every effort to safeguard people who, in good faith and on reasonable grounds, make a Whistleblower disclosure as follows:

7.1. Appointment of Whistleblower Protection Officer (WPO)

THRC will appoint a WPO to support and help protect Eligible Whistleblowers, the WPO is eligible to do so if the Whistleblower agrees to share her or his identity with the WPO. The role of the WPO is to:

- a) Safeguard the interests of a Whistleblower
- b) Assess the immediate welfare and protection needs of a Whistleblower and, if the Whistleblower is a THRC employee, assist in providing the employee with a supportive work environment.
- c) Respond as appropriate and required to any Whistleblower concerns or claims of injustice or detriment.

The WIO shall remain at the Whistleblower's disposal for further information or to request the appointment of a WPO in accordance with this Policy.

7.2. Protection from detrimental behaviors

THRC will not tolerate the incurring of any detriment behaviors towards Eligible Whistleblowers as a result of making or intending to make a report in accordance with this Policy, including any of the following acts by THRC people against the Whistleblower:

- 7.2.1. Discrimination (direct or indirect);
- 7.2.2. Harassment, bullying, physical or psychological harm termination, or altering a person's employment position or duties to their disadvantage;
- 7.2.3. Victimization or vilification;
- 7.2.4. Destruction to a person's property, reputation, company, or financial status
- 7.2.5. Disclosure of their identity as Whistleblower without their consent.

This protection extends to anyone conducting, assisting, or participating in an investigation and making a report to an external entity according to this Policy, regardless of the veracity of the concerns made in the report. It also applies to those who behave with integrity and make a report based on acceptable reasons.

7.3. Notification of Detrimental Behaviors

If the Whistleblower considers that someone is not following the principles listed in section *Protection from detrimental behaviors*, they should immediately inform the Executive Director, unless the complaint applies to the Executive Director; in this case, they will inform the Board Chair. Whoever is proven to have mistreated or discriminated against another individual for filing a complaint in accordance with this Policy is subject to disciplinary action and may be dismissed or undergo criminal or civil penalties.

7.4. Legal Protections

Whistleblowers may also be entitled to the following legal protections for making a report:

- 7.4.1. Protection from civil, criminal, and administrative, legal proceedings;
- 7.4.2. Protection from being required to testify in court;
- 7.4.3. Protection from a contractual or other liability based on the disclosure may be imposed or exercised against you.

This Policy does not provide the Whistleblower's immunity for any misconduct exposed in the disclosure in which they were involved in that is revealed in the disclosure.

7.5. Whistleblower and Employee Support

In addition to the protections mentioned, THRC provides assistance to its staff who make or are the subject of disclosures. Consult the Human Resources, People, and Talent Unit for further information. If a prospective Whistleblower is ever uncertain about whether to make a Whistleblowing Disclosure, they might obtain independent legal advice. All communications with an attorney are protected under this Policy and the local law.

7.6. Confidentiality

THRC will make every effort possible to protect the confidentiality and identity of the person who submits a confidential report, i.e., the only information that is legitimately required to perform the investigation should be disclosed for the investigation. The identity of the Whistleblower will not be revealed to any other national legal body unless:

- 7.6.1. they provide their written approval
- 7.6.2. the disclosure is made to a lawyer to get advice
- 7.6.3. the disclosure is made to the National Police Agency or calls for its intervention to prevent or diminish a threat to a person's health, safety, or welfare;
- 7.6.4. they consent in writing to the disclosure;
- 7.6.5. the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- 7.6.6. the disclosure is made to or necessitate the interference of the National Police Agency to prevent or lessen a threat to a person's health, safety, or welfare.

Unless one of the exceptions listed above applies, it is illegal for a person to identify a Whistleblower or divulge information likely to lead to the identity of the Whistleblower.

If a Whistleblower believes that their confidentiality has been breached, they may lodge a complaint with governmental and national authorities for investigation. The THRC may also take disciplinary action against people who violate the confidentiality of a Whistleblower, such as termination.

7.7. Anonymous Disclosure

THRC encourages Eligible Whistleblowers to identify themselves when making a disclosure according to this Policy since doing so will help THRC investigate and respond to their complaints.

Nevertheless, if you do not want to divulge your identity, you may make an anonymous disclosure, and you may decide to remain anonymous during the investigation and after it has been completed. If you opt to make an anonymous disclosure in accordance with this Policy, you may decline to answer questions that you believe might disclose your identity at any point during or outside of the inquiry.

Disclosures made anonymously will continue to be protected under this Policy.

THRC may not be able to provide the Whistleblower with the same level of safety and practical help if the Whistleblower does not submit her or his identity to THRC. In order to maintain the Whistleblower's anonymity, they may communicate with THRC by an anonymous email address or a pseudonym for the purposes of your disclosure.

8. FALSE REPORTS

Whistleblowing reports must be made on reasonable grounds. Disciplinary action will be taken against any employee or volunteer who is found to have knowingly made a false or malicious whistleblowing report, in accordance with THRC's Discipline Policy. This may result in disciplinary action up to and including dismissal.

9. RECORD KEEPING AND ACCOUNTABILITY

The Head of Human Resources, People, and Talent is accountable for communicating this Policy to all THRC people and implementing Partners, ensuring its maintenance and adherence. The THRC shall develop and maintain a Whistleblower Tracker that includes the information on all Whistleblowing Disclosures received according to this Policy.

The WIO will:

1. Assist and manage the impartial investigation of Whistleblowing Disclosures;
2. Provide a quarterly summary report of the Whistleblower Register to the Confidential Reporting Committee and Executive Director while maintaining the confidentiality of the information. The report should include: (1) the total number of submitted Whistleblowing Disclosures per quarter, the nature of each alleged wrongdoing, the alleged wrongdoer's degree of seniority, and the amount of perceived risk; (2) the time required to investigate each Whistleblowing Disclosure; (3) the results of each investigation into the Whistleblowing Disclosure (whether the report was upheld or dismissed); and (3) the action taken as a response and its nature;
3. Periodically review the Whistleblower Tracker to verify that proper processes are being followed.

10. AWARENESS AND ACKNOWLEDGEMENT

THRC people must read and acknowledge the Whistleblowing and Compliant Policy on appointment and regularly. This may be embedded in refresher training.

11. POLICY REVIEW

This Policy will be evaluated every three years as THRC acknowledges that internal and external environments are changing, which affects the scope and elements of this Policy. The Head of the Human Resource, People, and Talent Unit is responsible for reviewing this Policy.

12. RELATED REFERENCES

THRC Code of Conduct
Children and Vulnerable Adults Safeguarding Policy
Anti-fraud, Corruption and Bribery Policy
Whistleblowing Complaints Form