

# 2020

## Whistle-blower Policy



# ICSF

International Collective in Support of Fishworkers

The purpose of this policy is to provide a framework to promote responsible and secure whistle-blowing.

Version 1.0

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## Table of Contents

1. Preamble	3
2. Application	3
3. Definitions	3
4. Coverage and Responsible reporting	4
5. Disqualifications	5
6. Manner in which concern can be raised	5
7. Protection	7
8. Secrecy/Confidentiality	7
9. Document Retention and Reporting	7
10. Amendments	8

## 1. Preamble

ICSF believes in the conduct of its affairs in a fair and transparent manner by adopting highest standards of professionalism, honesty, integrity and ethical behaviour. It is committed to developing a culture where it is safe for all employees to raise concerns about any poor or unacceptable practice and any event of misconduct.

The purpose of this Policy is to provide a framework to promote responsible and secure whistle-blowing. It protects employees, customers and/or others wishing to raise a concern about serious irregularities within ICSF. The Policy neither releases employees, grant recipients and/or other intermediaries 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.

## 2. Application

Employees of ICSF may use the procedures set out in this Whistle-blower Policy (the “Policy”) to submit confidential and/or anonymous complaints. Further, grant recipients, vendors and intermediaries such as advisors and consultants may use the procedures set out in this “Policy” to submit confidential and/or anonymous complaints.

## 3. Definitions

Disciplinary Action	any action that can be taken on the completion of/during the investigation proceedings including but not limiting to a warning, imposition of fine, suspension from official duties or any such action as is deemed to be fit considering the gravity of the matter.
Employee	every employee of ICSF wherever they are currently working.
Ombudsperson	will be a Member with non-executive position for the purpose of receiving all complaints under this Policy and ensuring appropriate action. The Board shall appoint the Ombudsperson. In the event of any vacancy arising, the same will be filled within 30 working days.
Protected Disclosure	means a concern about “Reportable Matter” raised by a written communication made in good faith that

	discloses or demonstrates information that may evidence unethical or improper activity.
Reportable Matter	<p>(a) fraud or deliberate error in the preparation, evaluation, review or audit of financial statement of ICSF</p> <p>(b) fraud or deliberate error in the recording and maintaining of financial records of ICSF and/or</p> <p>(c) any other ICSF's matter involving abuse of authority; breach of contract; financial irregularities including fraud or suspected fraud; bribery; corruption; deliberate violation of law/regulation; wastage/misappropriation of ICSF's funds/assets; employee misconduct; breach of ICSF's code of conduct and ethics and any other unethical conduct.</p>
Subject	a person against or in relation to whom a protected disclosure is made or evidence gathered during the course of an investigation.
Whistle-blower	someone who makes a protected disclosure under this policy.
Whistle Officer or Committee	an officer or committee of persons who is nominated/appointed to conduct detailed investigation.

#### **4. Coverage and Responsible reporting**

This policy covers malpractices and events which have taken place/suspected to take place involving any of the reportable matter.

Policy should not be a route for raising malicious or unfounded allegations against colleagues.

This Policy is intended to encourage and enable personnel to raise serious concerns within ICSF prior to seeking external resolution. ICSF does not tolerate any malpractice, impropriety, statutory non-compliance or wrongdoing. This policy ensures that personnel are empowered to pro-actively bring to light such instances without fear of reprisal, discrimination or adverse employment consequences.

This policy is not, however, intended to question financial or operational decisions taken by ICSF that are not reportable matters nor should it be used as a means to reconsider any matters which have already been addressed pursuant to disciplinary or other internal procedures of ICSF. Further, this policy is not intended to cover career related or other personal grievances.

The Whistle-blower's role is that of a reporting party. Whistle-blowers are not investigators or finders of facts; neither can they determine the appropriate corrective or remedial action that may be warranted.

## **5. Disqualifications**

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. 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, frivolous or malicious shall be liable for disciplinary action as deemed fit.

## **6. Manner in which concern can be raised**

- 1) A whistle-blower can make protected disclosure to Ombudsperson, as soon as possible but not later than 45 consecutive days after becoming aware of the same. Such a disclosure shall be made to [ombudsperson@icsf.net](mailto:ombudsperson@icsf.net)
- 2) Whistle-blower must put his/her name to allegations. Concerns expressed anonymously WILL NOT BE investigated.
- 3) It is essential for ICSF to have all critical information in order to enable it to effectively evaluate and investigate the protected disclosure. Therefore, it is essential for the Whistle-blower to provide as much details and be as specific as possible, including names and dates, in order to facilitate the investigation. To the extent possible, the protected disclosure must include the following:
  - a) Details of the Subject
  - b) What happened?
  - c) When happened?
  - d) How happened?
  - e) Evidence in support of the complaint to be attached
  - f) Alternatively, if possible, identify where proof can be found
  - g) If possible, provide details as to who or where more information may be obtained.

- 4) If initial enquiries by the Ombudsperson indicate that the concern has no basis, or it is not a matter for investigation under this policy, it may be dismissed at this stage and the decision is documented.
- 5) Where initial enquiries indicate that further investigation is necessary, then it will be carried through either by the Ombudsperson alone, or by a whistle-officer/committee nominated by the Ombudsperson for this purpose. The investigation would be conducted in a fair manner, as a neutral fact-finding process and without presumption of guilt. A written report of the findings would be made.
- 6) Name of the whistle-blower shall not be disclosed to the whistle-officer/committee.
- 7) The Ombudsperson/Whistle-Officer/Committee shall:
  - a. Make a detailed written record of the protected disclosure. The record will include:
    - i. Facts of the matter
    - ii. Whether the same protected disclosure was raised previously by anyone, and if so, the outcome thereof;
    - iii. Whether any protected disclosure was raised previously against the same Subject;
    - iv. The financial/otherwise loss which has been incurred/would have been incurred by ICSF.
    - v. Findings of Ombudsperson/whistle-officer/committee;
    - vi. The recommendations of the Ombudsperson/whistle-officer/committee on disciplinary/other action(s).
  - b. The whistle-officer/committee shall finalise and submit the report to the Ombudsperson within 15 days of being nominated/appointed or such extended time as permitted by Ombudsperson.
- 8) On submission of report, the whistle-officer/committee shall discuss the matter with Ombudsperson who shall either:
  - a. In case the protected disclosure is proved, accept the findings of the whistle-officer/committee and take such disciplinary action as he/she may think fit and take preventive measures to avoid re-occurrence of the matter;
  - b. In case the protected disclosure is not proved, extinguish the matter; Or
  - c. Depending upon the seriousness of the matter, Ombudsperson may refer the matter to the Board with proposed disciplinary action/counter measures. Board, may decide the matter as it deems fit.

## 7. Protection

The identity of the whistle-blower shall be kept confidential. No unfair treatment will be meted out to a whistle-blower by virtue of his/her having reported a protected disclosure under this policy. ICSF strictly condemns any kind of discrimination, harassment, victimization or any other unfair employment practice being adopted against whistle-blower. Complete protection will, therefore, be given to whistle-blower against any unfair practice like retaliation, threat or intimidation of termination/suspension of service, disciplinary action, transfer, demotion, refusal of promotion, discrimination, any type of harassment, biased behaviour 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. ICSF will take steps to minimize difficulties, which the whistle-blower may experience as a result of making the protected disclosure. Any personnel who retaliates against a whistle-blower who has reported a protected disclosure under this policy will be subject to strict disciplinary action up to and including immediate termination of employment or termination of his/her relationship with ICSF. Any other employee assisting in the said investigation or furnishing evidence shall also be protected to the same extent as the whistle-blower

## 8. Secrecy/Confidentiality

The whistle-blower, the subject, the whistle-officer and everyone involved in the process shall:

- a) maintain complete confidentiality and secrecy of the matter
- b) not discuss the matter in any informal/social gatherings/ meetings
- c) discuss only to the extent or with the persons required for the purpose of completing the process and investigations
- d) not keep the papers unattended anywhere at any time
- e) keep the electronic mails/files under password

If anyone is found not complying with the above, he/she shall be held liable for such disciplinary action as is considered fit.

## 9. Document Retention and Reporting

ICSF shall maintain documentation of all complaints or reports subject to this policy. The documentation shall include any written submissions provided by the complainant, any other organisational documents identified in the complaint or by ICSF as relevant to the complaint, a summary of the date and manner in which the complaint was received by ICSF and any response by ICSF to the complainant. All such documentation shall be retained by ICSF for a minimum period of six (6) years from the date of receipt of the complaint. Confidentiality will be

maintained to the extent reasonably practicable depending on the requirements and nature of the investigation, as indicated above.

Annual report with number of complaints received under the policy and their outcome shall be placed before the Board.

## **10. Amendments**

Amendments may be necessary, among other reasons, to maintain compliance with various regulations and/or organisational changes within ICSF.

Amendments to the policy due to changes in Law, maybe done at the earliest by the Board with ratification in the immediate following General Meeting of Members and any other amendments shall take effect upon confirming by the Members in the General Meeting of Members.