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Blowing the whistle: protections and policies on reporting wrongdoing

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What is “whistle-blowing”?

Whistleblowing refers to the process by which an individual reports wrongdoing within an organisation, such as discrimination, abuse or financial misconduct. Whistleblowing usually relates to serious and widespread concerns within an organisation and should be distinguished from workplace grievances, which are matters of personal interest and do not impact upon the broader organisational culture.

Section 2 of the UN Secretary General’s bulletin ([ST/SGB/2017/2/Rev.1](#)) provides that a person who reports the failure of another staff member(s) to comply with their obligations under the UN Charter, Staff Rules or any other relevant administrative issuances, is committing a ‘protected activity’ that entitles them to protection against retaliation. A person who makes reports of unsubstantiated rumours or false information is likely to commit misconduct and could instead be subject to disciplinary proceedings.

Whistle-blower Policies and Procedures

International organisations (IOs) do not always provide the same protections to whistle-blowers as domestic jurisdictions or regional organisations. Within the UN system, all organisations are required to adhere to minimum standards of whistle-blower protection, which are outlined in the Secretary General’s bulletin ([ST/SGB/2017/2/Rev.1](#)).

Internal Reporting Mechanisms

In addition to their organisation-wide retaliation policy, the UN has a range of reporting mechanisms and internal bodies which are responsible for the protection of whistle-blowers. This includes the Office of Internal Oversight Services (OIOS), the assistant secretary-general for human resources management, the head of department or office concerned or the focal point appointed to receive reports of sexual exploitation and abuse.¹ The officer or body that receives the complaint should then review it to determine whether to investigate it themselves or refer it to another entity (such as OIOS or the Ethics Office) for appropriate action.

Outside of the UN Secretariat system, the process for reporting misconduct varies considerably depending upon the organisation. For example, both the World Health

¹ See [Whistleblower Protections at the United Nations](#) by Transparency International (page 5). See also [ST/SGB/2017/2/Rev.1](#), Section 4.

Organisation and UN Development Programme require employees to report misconduct to their immediate supervisor, or if they fear retaliation, to the Office of Compliant, Risk Management and Ethics, and the Office of Audit and Investigations respectively. Separate consideration is also given to those employees who wish to keep their identity confidential or make a protected disclosure.

External Reporting Mechanisms

At least 18 UN bodies also have organisational policies which allow employees and non-staff members to make external reports in cases where there has been significant misconduct or breaches of domestic or international law. However, many of these external reporting mechanisms are quite restrictive, with only the UN High Commissioner for Refugees and UN Relief and Works Agency offering fully comprehensive and independent channels for the external reporting of misconduct. Such policies also vary significantly across each organisation so whistle-blowers must ensure that they carefully observe the protocols which are relevant to their organisation.

Protection Against Retaliation

Broad protections against retaliation also exist in the staff rules of many IOs, although many protections are still insufficient and provide limited or no restitution for whistle-blowers. For example, an [analysis of the UN Ethics Office](#) revealed that the office had only found in favour of a whistle-blower once every six years, despite dealing with nearly 300 cases of alleged retaliation.

Where whistle-blowers take their complaint to international administrative tribunals, they also face significant resource gaps, compared with the IO's general counsel or legal department, who represent the IO against whistle-blower allegations. As a result, a [recent study](#) found that many whistle-blowers are often dismissed as "system-abusers" or "repeaters," which further discourages employees of IOs from coming forward about abuse or misconduct.

Thus, without adequate protections against retaliation, employees are far less likely to make disclosures, especially given that many are hired on short-term contracts and depend upon their work visa to stay in the host country of their IO. This form of contract puts employees in a far more vulnerable position, as it is possible that making a disclosure could impact upon the renewal of any future contracts.

Tips for the Whistle-blower

1. Familiarise yourself with the **applicable legal procedures** and find out what **protections** are already in place for whistle-blowers.
2. Read your organisation's staff rules to see if it has its own **whistle-blowing policy and/or an internal reporting channel**. This policy should provide you with some guidance on the types of concerns which are reportable, the process for raising these concerns and the legal protections or restrictions which you may experience. It is important to keep in mind that many IOs do not define or use the term "whistle-blower" in their policies. They may instead refer to staff members who report cases of "misconduct." Such rules may still be applicable to you and your situation, depending on your individual circumstances. However, this will need to be assessed on a case-by-case basis.
3. Consider whether or not you would like to remain **anonymous**. You may wish to check your organisation's policy regarding confidentiality, as you may find that

they have a duty to keep your identity private. This may even allow you to remain anonymous to the person who is handling your case.

4. It is beneficial for yourself and the organisation you work for to try and resolve your complaint through **internal processes and procedures**. Be prepared to escalate your complaint if no action is taken by your organisation or you suffer reprisals as a result of whistle-blowing. If this occurs, obtain independent legal advice to discuss your options and develop a plan moving forward.

When considering whether to make a disclosure of misconduct, employees should remind themselves of the vital role that whistle-blowing plays in addressing misconduct and preventing corruption from occurring. Within the UN system, “whistle-blowers alone account for the uncovering of more fraud and corruption than all other measures of fraud detection combined.”²

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² See [Whistleblower Protections at the United Nations](#) by Transparency International (page 3).