

**GENERAL SECRETARIAT
OF THE
ORGANIZATION OF AMERICAN STATES**

EXECUTIVE ORDER No. 05-8 Corr. 1

**SUBJECT: PROTECTION FOR WHISTLEBLOWERS, INFORMANTS AND
WITNESSES**

THE ACTING SECRETARY GENERAL:

In the exercise of the powers confirmed upon him by Articles 8 and 12 of the General Standards to Govern the Operations of the General Secretariat of the Organization of American States, and

CONSIDERING:

That the Board of External Auditors has recommended the adoption of policies which encourage the reporting of financial and administrative misconduct and which protect whistleblowers, informants, and witnesses from retaliation,

That in recent years, other public international organizations and governments, in the interest of enlisting widespread support for combating financial and administrative misconduct, have adopted norms protecting whistleblowers, informants, and witnesses who in good faith report occurrences of financial and administrative misconduct in the public sector,

RESOLVES:

1. To adopt Staff Rule 101.11, "Protection for Whistleblowers, Informants and Witnesses," attached hereto as Annex A.
2. To repeal all present norms, regulations, and practices to the contrary.



Luigi R. Einaudi
Acting Secretary General

April 14, 2005
Original: English

ANNEX A**Rule 101.11 Protection for Whistleblowers, Informants and Witnesses**

(a) Definitions: The following definitions shall apply to this Rule:

(i) Whistleblower: A person who provides information to others in the General Secretariat on conduct and activities which violate the General Secretariat's administrative and financial rules and regulations.

(ii) Informant: Another term for a Whistleblower.

(iii) Witness: Any person who may serve as a Witness for the investigation and proceedings resulting from such information provided by the Whistleblower;

(iv) Rules and Regulations: These include, but are not limited to: the General Standards; the Staff Rules; the Budgetary and Financial Rules; the Executive Orders; Administrative Memoranda; the annual Program-Budget Resolution; and the Directives of the Secretary General.

(v) Financial or administrative misconduct: Facts, activities, or occurrences which constitute fraudulent, illegal, or otherwise improper conduct in violation of the General Secretariat's Rules and Regulations.

(vi) Retaliation: An adverse measure taken by the General Secretariat or any of its staff members against a Whistleblower to punish the Whistleblower for having reported financial and administrative misconduct under this Rule. Such adverse actions include discharge, suspension, demotion, violation of the terms and conditions of a settlement agreement, workplace harassment, and refusal to employ or contract. An adverse action shall not be considered retaliation in those circumstances where the General Secretariat can prove by the preponderance of the evidence that it would have taken the same adverse action against the informant for other reasons, even if the informant had not reported the financial and administrative conduct alleged.

(vii) Reprisals: A synonym for retaliation.

(viii) The appropriate authorities: These are individuals authorized to receive information from informants: They include the Inspector General; the President of the Staff Association; the Director of the Department of Administration and Finance; the Director of the Office of Human Resource Services; the Director of the Department of Legal Affairs and Services; and the Director of the Office of General Legal Services.

(ix) Admissible Report: Information reported which is: (a) transmitted in good faith; (b) based on the informant's reasonable belief that it is true; (c) and either includes sound evidentiary support, or if specifically so identified, is

likely to have sound evidentiary support after a reasonable opportunity for further investigation or discovery.

(b) Reporting Financial and Administrative Misconduct

(i) A staff member who observes or otherwise learns of from a reliable source, facts and circumstances constituting financial or administrative misconduct, which he reasonably believes to be true, should report those facts and circumstances with specificity to the Inspector General or any one of the other appropriate authorities mentioned in Section a(viii) above.

(ii) The Inspector General shall maintain a "hotline" by which financial or administrative misconduct, including fraud, may be reported. Information on how to access the hotline shall be published on the webpage of the Office of the Inspector General.

(iii) An Informant may present information anonymously. Anonymous information, however, is less likely to result in a useful investigation and punishment of the wrongdoer, unless the informant is willing to serve as a Witness to the facts and circumstances constituting the misconduct alleged. Informants are thus strongly encouraged, but not required, to identify themselves when making their reports and to participate as Witnesses in the investigations, hearings, and other related proceedings that may follow.

(c) Protection Against Retaliation and Reprisals

(i) No retaliation or reprisals will be threatened or taken against Informants and Witnesses who report financial or administrative misconduct to the appropriate authorities under this Rule.

(ii) However, Informants and Witnesses who provide information that does not satisfy the three requirements for an "Admissible Report" in Section a(ix) above shall not enjoy protection from sanctions under section c(i) above, and they may be subject to disciplinary action under the Staff Rules.

(iii) Informants and Witnesses who have actively participated in or directed the financial or administrative misconduct that they themselves report shall not automatically enjoy protection from sanctions under section c(i) above; however, their initiative in reporting and rectifying the misconduct may be considered by the Secretary General as grounds for exempting them from reprisals, entirely or in part, or for mitigating the severity of any sanctions applied to them as a result of their participation in the misconduct.

(iv) Staff members who believe they have suffered an unmerited adverse action because they reported financial or administrative misconduct under this Rule may request a Hearing under the grievance process set out in Chapter XII of these Staff Rules. All other persons who believe they have suffered any such unmerited adverse action should inform the Inspector General in writing.

(d) Investigating and Processing Reports Received from Informants

(i) Any of the appropriate authorities other than the Inspector General who receives information which seems to satisfy the three requirements for an "Admissible Report" stated in Section a(ix) above shall promptly inform the Inspector General of that information in writing, with a copy to the Secretary General. If the Inspector General receives the information directly, he/she, shall promptly notify the Secretary General in writing.

(ii) The General Secretariat shall investigate information received which satisfies the three requirements of an "Admissible Report." The Inspector General shall normally carry out the investigation; however, the Secretary General, as an alternative, may assign the investigation to a special investigator, the Ethics Committee, or another committee.

(iii) Whoever carries out the investigations shall produce a written report, which shall include a summary of the facts, conclusions as to whether the Rules and Regulations of the General Secretariat have been violated, and recommendations. Based on that report, the Secretary General may order remedial measures to prevent recurrence and disciplinary proceedings, if merited.