

Joint Inspection Unit of the United Nations

Review Highlights

Review of whistle-blower policies and practices in United Nations system organizations (JIU/REP/2018/4)

Why the JIU did this study

Background

Whistle-blowing and protection against retaliation (PAR) policies and practices are essential components of organizational accountability and integrity. When responses are inadequate or where systems are weak, personnel are deterred from coming forward to report misconduct and wrong-doing, which greatly increases the risk of substantive damage to organizational reputation and undermines operations. This topic has taken on increasing importance in recent years given several high profile cases of whistle-blowers from United Nations system organizations who have gone public for a variety of reasons.

Objective and Aim

Given this context, the *objective* of this report is to:

- Assess the effectiveness of policies, processes and procedures associated with PAR and its implementation across 28 United Nations system organizations;

With the *aim* of:

- Improving the responsiveness and effectiveness of PAR policies, processes and procedures;
- Enhancing the overall accountability and integrity of the United Nations system.

Methodology

Approach

This JIU review assessed the adequacy of **23 existing PAR policies covering 28 United Nations system organizations**.

PAR policies were evaluated vis-à-vis **five best-practices criteria for PAR policies and rated against 22 indicators**, derived from public and private sector source documents. These criteria include:

1. Reporting misconduct and wrongdoing
2. Protection against retaliation
3. Support to persons reporting wrongdoing/misconduct

4. Preliminary review, recording and investigating misconduct/wrongdoing and relation reports
5. General clarity of the policy

Data Sources

Data was collected from five types of primary and secondary sources, which include:

- Desk review of policies, reports, academic and professional articles;
- Questionnaire responses and other documentation gathered from 28 participating organizations;
- Interviews with over 400 stakeholders, including 17 individuals who reported wrongdoing/misconduct;
- Focus groups with key stakeholders;
- Global Staff Survey (GSS) on whistle-blower policies conducted across all 28 organizations with 15,862 respondents.

What the JIU Found

The main findings of the report are that:

No single whistle-blower policy fully meets all best practice criteria.

The best practices review found that no single PAR policy fully meets all criteria; however, some policies are more effective and responsive than others. The ad-hoc nature of policy design, and overall vague and unclear policies and procedures compromised policy effectiveness and responsiveness.

Key functions that support the implementation of PAR policies may not be fully independent.

The review found that key personnel functions, including the head of oversight, head of ethics and Ombudsman, often lack term limits, may hold dual-function roles, and may not have direct annual reporting requirements to governing bodies. These deficiencies, in turn, compromise independence, which would otherwise assure staff that allegations will be reviewed without undue political and hierarchical pressures, influence and interference.

Reporting and handling procedures are often vague, unclear and delayed.

More often than not, organizations' PAR policies emerged as ad-hoc responses to high-profile whistle-blower cases. As a result, there is a lack of clarity and consistency in to whom allegations should be reported, how reported cases should be handled, and in the mechanisms in place for reporting. In turn, responses and protection against retaliation procedures are often delayed, and the handling of retaliation cases lack clearly defined standard operating procedures within most organizations.

Poor handling of cases, as well as fear of retaliation and personal risks/fears, yield under-reporting and reduce personnel satisfaction when cases are reported.

Data gathered from a system-wide survey suggest that there is considerable under-reporting of misconduct/wrongdoing and retaliation across the system. As the data suggest, this is due to a combination of personal fears and risks, as well as a lack of confidence in systems, functions and processes. The survey data also suggest that personnel who report cases of wrongdoing/misconduct are often unsatisfied with the handling of their cases. These challenges are particularly acute in the 20 small and medium-sized JIU participating organizations, where vertical hierarchies and limited experience in implementing PAR policies may contribute to low levels of staff confidence in how the systems, functions and processes in place handle allegations of misconduct and retaliation.

Organizational leadership must develop and support a culture of accountability and integrity.

“Tone at the top” is crucial for promoting and supporting accountability frameworks and a culture of integrity across the UN system. This culture may be created and encouraged through furthering appropriate channels for staff to express dissent respectfully, requiring supervisory training on handling reports of misconduct and retaliation, and conducting periodic staff surveys to gauge views on “tone at the top” and accountability issues.

What the JIU Recommends

The JIU makes 11 recommendations to legislative bodies and executive heads.

Legislative Bodies of UN organizations are called on to exercise their oversight and fiduciary responsibilities by:

- Adopting measures, by 2020, to ensure that all policies related to misconduct/wrong-doing and retaliation specify appropriate channels and modalities - such as independent oversight committees - for reporting and investigating allegations against the executive head of the organization, as well as any other functions that may entail a potential conflict of interest in the handling of such issues **(Recommendation 1)**.
- Requesting executive heads, by 2020, to ensure that the independence of the head of ethics, head of oversight and ombudsman/mediator functions is clearly defined in line with recommendations contained in previous JIU reports and that these functions report periodically to the legislative body **(Recommendation 4)**.

The Executive Heads of UN Organizations are called on to implement the following recommendations as they assess their accountability framework:

- Instruct the relevant office(s) to develop, by 2020, appropriate options to address the absence of an external and independent mechanism for appeals when a prima facie case of retaliation is not determined for the timely consideration of the executive head, and outline any agreed-upon mechanisms and processes in updates to protection against retaliation (PAR) policies. **(Recommendation 2)**.

- Update their relevant whistle-blower policies, by 2020, to address shortcomings and gaps identified in the JIU best-practices ratings (**Recommendation 3**).
- By the end of 2019, develop comprehensive communications tools for all personnel on what, how, where and to whom to report misconduct/wrong-doing, including harassment and retaliation, in the working languages of the organization (**Recommendation 5**).
- Develop standard operating procedures by 2020 for proactively protecting those who report misconduct/wrong-doing from retaliation, which should include undertaking relevant risk assessments and clearly identifying available support mechanisms and resources (**Recommendation 6**).
- Develop standard operating procedures by 2020 for handling retaliation cases with specific checklists and protocols for investigation, support services, and communication (**Recommendation 7**).
- Ensure that, by 2020, anonymous channels to report misconduct/wrong-doing are: a) developed and operational; b) available in all the working languages of the organization; c) accessible to all personnel, vendors, and beneficiaries; d) are reflected in their relevant policies; and e) are widely communicated (**Recommendation 8**).
- Publicly post an annual report, with all due consideration to confidentiality, on misconduct/wrongdoing and retaliation cases, specifically including the allegations, findings and outcomes, including administrative actions taken (**Recommendation 9**).
- By the end of 2019, ensure that all supervisors and managers are required to complete specific training on whistle-blowing policies and how to appropriately respond to and handle misconduct/wrong-doing and retaliation reports (**Recommendation 10**).
- By 2020, conduct global staff surveys on a biennial basis, in order to gauge staff views on tone at the top issues, accountability, and ethics-related topics; and develop a comprehensive action plan to address the issues identified (**Recommendation 11**).

To access the full report, visit the JIU website: www.unjiu.org.

About the Joint Inspection Unit (JIU)

The JIU is the only independent external oversight body of the United Nations system mandated to conduct evaluations, inspections and investigations system-wide. The Unit is currently composed of eleven Inspectors appointed by the General Assembly, assisted by a Secretariat headed by the JIU Executive Secretary. According to the JIU mandate, Inspectors are mandated to inspect and evaluate the activities of the participating United Nations organizations, and make recommendations aimed at improving management, methods and coordination across those organizations.