

Whistle blower policy

Responsible Officer: Secretary to Government



OFFICE OF THE PRIME MINISTER

GOVERNMENT OF TUVALU

VERSION COMMENTS:

(Additional information only – not all policies must be reviewed by DCC or Cabinet)

Changes since previous version:

None, first version.

DCC comment or clearance:

Cabinet comment or clearance:

Whistle-blower policy

The Tuvalu Government requires employees as well as members of Parliament, the public service, consultants, vendors, contractors, donors, and/or any other parties with a financial or operational relationship with the Government of Tuvalu to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Tuvalu Government, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

This Whistle-blower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that Tuvalu Government can address and correct inappropriate conduct and actions. It is the responsibility of all to report concerns about violations of Tuvalu Government's code of ethics or suspected violations of law or regulations that govern Tuvalu Government's operations.

No Retaliation

It is contrary to the values of Tuvalu Government for anyone to retaliate against anyone who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected violation of any regulation governing the operations of Tuvalu Government. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. Retaliation is about making people afraid to complain or to assert their rights and is the action of harming someone because they have caused harm to you.

For example, a Whistle-blower must not be disadvantaged or victimised for having made the report by:

- Dismissal or termination of services or supply
- Demotion
- Discrimination, victimisation or harassment
- Current or future bias
- Threats of any of the above

Any retaliation or threat of retaliation must be reported as per the reporting procedure below, unless the retaliation or threat of retaliation has been made by the person identified to report to. In this case, the report of retaliation or threat of retaliation must be reported to the Ombudsman and Auditor-General.

Reporting Procedure

Tuvalu Government has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Secretary for Finance and Economic Development.

Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to the Tuvalu Government's Secretary for Finance and Economic Development, who has the responsibility to investigate all reported complaints.

Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or the Secretary for Finance and Economic Development. The Secretary for Finance and Economic Development is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved.

The Secretary for Finance and Economic Development will advise the Secretary to Government, the Ombudsman and the Auditor-General of all complaints and their resolution and will report at least annually to the Chair of the Audit Committee on compliance activity relating to accounting or alleged financial improprieties.

If it suspected that the Secretary for Finance and Economic Development is involved in the questions, concerns, suggestions or complaint, than the questions, concerns, suggestions or complaint must be reported directly to the Ombudsman and the Auditor-General.

Procedure for Investigating Discriminatory/Retaliatory Actions/Behaviour

The procedure for investigating discriminatory/retaliatory actions/ behaviour is:

- Evidence is collected against the person performing the retaliatory behaviour by the whistleblower.
- This is reported to the Secretary for Finance and Economic Development.
- The onus is on the person who is accused of performing the retaliatory behaviour to prove that they did not engage in that behaviour.
- Investigation by the Secretary for Finance and Economic Development is performed into whether there was retaliatory behaviour or a threat of retaliatory behaviour.
- Evidence is heard from both parties.
- The Secretary for Finance and Economic Development or independent arbitrator appointed by the Secretary for Finance and Economic Development should make a determination as to whether harassment, discrimination, or retaliation has occurred.

The entire process is to be documented and is confidential. The Secretary for Finance and Economic Development may request the Ombudsman to assist in the above process.

The Secretary for Finance and Economic Development is to initiate action to undo or reverse actions to be taken in the case of discriminatory or retaliatory actions or threats of actions is established. This can be in the form of compensation for the whistleblower or disciplinary actions against the person who retaliated or threatened the retaliation.

If the Secretary for Finance and Economic Development is suspected, than the Ombudsman must initiate the above actions.

Accounting and Auditing Matters

The Secretary for Finance and Economic Development must immediately notify the Audit Committee of any concerns or complaint regarding corporate accounting practices, internal controls or auditing and work with the committee until the matter is resolved.

Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Secretary for Finance and Economic Development will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.