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Distribution: (Internal) All staff, Council, Committees, and Association

(External) Beneficiaries, donors, volunteers, partners, consultants, contractors, and representatives of OHK

Policy and Procedures on Disclosure and Handling of Malpractice in the Workplace (Whistleblowing Policy)

(Update / Revision of "Policy on Disclosure of Malpractice in the Workplace (January 2013)")

Policy Statement

1. Oxfam Hong Kong (OHK) is committed to maintaining good governance, emphasizing accountability and a high degree of transparency which enable our stakeholders to have trust and faith in OHK in the delivery of our mission.
2. In line with this commitment, it is vital that everyone who works for/with OHK upholds OHK's vision and mission, values and codes of conduct, behaves professionally, maintains the highest standards of conduct, integrity and ethics, and complies with applicable law. An employee, volunteer, consultant, partner, contractor, representative, donor or beneficiary (each a stakeholder) of OHK with any genuine concern about malpractice in the OHK workplace is encouraged to communicate these without fear and in the knowledge that he/she will be protected.

Protection for Whistleblowers

3. This Policy aims to provide reporting channels and guidance on reporting genuine concerns about malpractice and reassurance to persons reporting such concerns (Whistleblowers) and investigators of protection from harassment, intimidation, reprisal, retaliation, unfair disciplinary action or victimization (each an unjust treatment) in OHK as a consequence of reporting genuine concerns.
4. OHK will take appropriate action, which may end in dismissal, in accordance with the relevant procedure against any employee, volunteer, consultant, partner, contractor, representative who is found to be harassing or otherwise treating another individual unjustly for or deterring them from reporting genuine concerns about malpractice.

Confidentiality

5. The identity of a Whistleblower will not be disclosed without the Whistleblower's consent unless such disclosure is required by applicable law. However, there may be circumstances in which OHK may be legally obliged or otherwise required to disclose the Whistleblower's identity, for example, where an investigation leads to legal proceedings being initiated. If this is the case, OHK will endeavor to inform the Whistleblower that his or her identity is likely to be disclosed. OHK will also take all reasonable steps to ensure that the Whistleblower will not be subject to any unjust treatment in OHK.
6. Should an investigation lead to a criminal prosecution, it may become necessary for the Whistleblower to provide evidence or be interviewed by relevant authorities.

Malpractice

7. OHK uses this policy to enable stakeholders of OHK to raise genuine concerns about malpractice in the workplace at an early stage and in the right way. It applies in all cases where there are genuine concerns about malpractice in the workplace, regardless of geographic location and whether raising the concern may breach confidentiality.
8. Malpractice refers to a decision or action which would or could bring OHK into serious disrepute or other harm including those listed below:

A. Financial and Other Wrongdoing

- Criminal or civil offences including theft, bribery, fraud, money laundering and aid diversion;
- Falsification of records or non-compliance with policies and procedures for personal gain or gain of others; and
- The deliberate concealment of information relating to any of the matters listed above.

B. Safeguarding

- Misconduct against children, vulnerable adults or beneficiaries such as:
 - a. Sexual harassment – Unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment;

- b. Sexual exploitation – Actual or attempted abuse of a position of vulnerability, or trust, for sexual purposes, including profiting monetarily, socially or politically from the sexual exploitation of another;
- c. Sexual abuse – Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- d. Other issues such as human trafficking, inappropriate conduct (bullying, intimidation, use of inappropriate language), undisclosed material safeguarding incident, undisclosed sex offender, accessing or storing pornography via/in a work device

C. Other Internal Reportable Issues

- Significant non-compliance with OHK codes of conduct or other policies;
- Material abuse of position, power or authority.

9. If the Whistleblower genuinely and reasonably believes that raising the concern is in OHK’s best interest, even if it is later discovered that he/she is mistaken, the Whistleblower will not be at risk of unjust treatment by OHK as a direct result of such reporting.

This assurance will not be extended to an individual who raises a concern or makes a statement he/she knows to be untrue or with reckless disregard for the truth or who is engaged in any way in the malpractice. Making false statements knowingly or acting otherwise maliciously will be viewed as a serious disciplinable offence.

Reporting Channels and Procedures (Refer also to Appendices 1 and 2)

10. In general, if a stakeholder has a genuine concern and a reasonable belief that the decision(s) or action(s) of someone who works for/with OHK is or could become or lead to malpractice, he/she can follow the procedures below:

A. Financial and Other Wrongdoing

11. The Whistleblower should raise the concern with his/her line manager. If for any reason the Whistleblower prefers not to raise the concern with his/her line manager, he/she can raise it with the latter’s supervisor or the Human Resources Manager (HRM).

If in any circumstances he/she feels unable to report to the manager, the latter’s supervisor or the HRM, he/she may report the concern in confidence directly:

- (1) By email to the **Whistleblowing Helpline** confidential email account at whistleblowing@oxfam.org.hk; or
- (2) By phone or email to the Internal Auditor (IA).

Managers who receive a concern should report it to their supervisors and the **Financial and Other Wrongdoing Team** which consists of the Director of Operations (DoO), Finance Manager (FM), Internal Auditor (IA) and Governance and Development Manager (GDM) and is chaired by the DoO, verbally or in writing by email without delay.

The Governance and Development Manager (GDM) of the Directorate Office is the administrator of the Whistleblowing Helpline email account and will direct concerns reported to the Financial and Other Wrongdoing Team.

B. Safeguarding

12. The Whistleblower should report any Safeguarding concern immediately to his/her line manager or the **Safeguarding Team** which consists of the DoO, HRM, Gender Programme Manager (GPM) and GDM and is chaired by the DoO, verbally or in writing. The Whistleblower may report the concern in confidence to the Safeguarding Team either:
 - (1) By contacting directly a member of the Safeguarding Team; or
 - (2) By email to the confidential team email account at safeguarding@oxfam.org.hk.

The GDM is the administrator of the Safeguarding Team email account.

C. Other Internal Reportable Issues

13. The Whistleblower should report any Other Internal Reportable Issue to his/her line manager (or the latter's supervisor) verbally or in writing and by email to the **Whistleblowing Helpline** confidential email account at whistleblowing@oxfam.org.hk.
14. For A, B, or C above, if any Director (including the DoO) is implicated in the concern in some way, the concern should be raised with the Director General (DG) directly. The DG, if appropriate, would work with the relevant Team, without the knowledge or involvement of the Director concerned to avoid conflicts of interest, to handle the concern.
15. If the concern raised implicates the DG, a Committee Member or a Council Member, the Whistleblower may, at his/her discretion, report directly to the Chair of the Council by email to chair@oxfam.org.hk. The Whistleblower may report to the Vice Chairs of the Council at vicechair@oxfam.org.hk if the concern implicates the Council Chair. The Chair of the Council or the Vice Chairs of the Council, if appropriate, would work with relevant staff to handle the concern.

Only the Chair of the Council and the Vice Chairs of the Council respectively have access to these email accounts.

16. If the Whistleblower is not an OHK employee, he/she may report the concern in confidence by email to the Whistleblowing Helpline confidential email account at whistleblowing@oxfam.org.hk.
17. When first raising a concern, the Whistleblower should share information describing:
- Whether anyone is at immediate risk of physical harm and if so, who?
 - What happened?
 - Who were/are involved?
 - How he/she has come to know about what happened?
 - When he/she first became concerned?
 - Whether he/she has told anyone about what happened and/or the concern?
 - What action has been taken?

A reporting template is set out in Appendix 2.

18. Whistleblowers are advised not make anonymous reports as this may seriously limit the ability of OHK to investigate the concerns as well as the nature, extent and outcome of investigation. Nonetheless, all disclosures, made anonymously or otherwise, will be reviewed.

Screening (target response within 1 week of receiving report of concern)

19. When a concern is reported in accordance with the procedures described above, the responsible Team and relevant supervisor, Director, DG, Council Chair and/or Council Vice Chairs (together, the Responsible Persons) will evaluate the validity and relevance of the concern. If the Responsible Persons decide that an investigation is warranted, they would recommend investigators who have relevant capacity and no conflict of interest for the DG to appoint to investigate the concern. In the event the DG is the subject of the concern, the Council Chair will assume the appointment role.

Investigation (target time of within 4 weeks of appointment of the investigators)

20. Depending upon the nature and particular circumstances of each case, the investigators may discuss with the Whistleblower special measures of protection that should be applied during investigation.
21. Upon completion of the investigation, the investigators will submit a report, without revealing the identity of the Whistleblower, to the Responsible Persons.

Decision (within 1 week of receipt of the investigation report)

22. If an employee or some other individual is found in the investigation to have committed a malpractice and/or violation of OHK's vision and mission, values or codes of conduct, the Responsible Team and line management of the employee, with assistance of DoO, will recommend remedy, disciplinary and/or other appropriate actions to the DG (or the Council Chair, in the event the DG is implicated in the malpractice or violation) for final decision.
23. The Whistleblower will be notified when the final decision has been made, when reasonably practicable, but the substance of the decision (including any remedy, disciplinary and/or other actions) may be subject to confidentiality and may not be communicated.

Grievance and Appeal (within 5 days of communication of the decision)

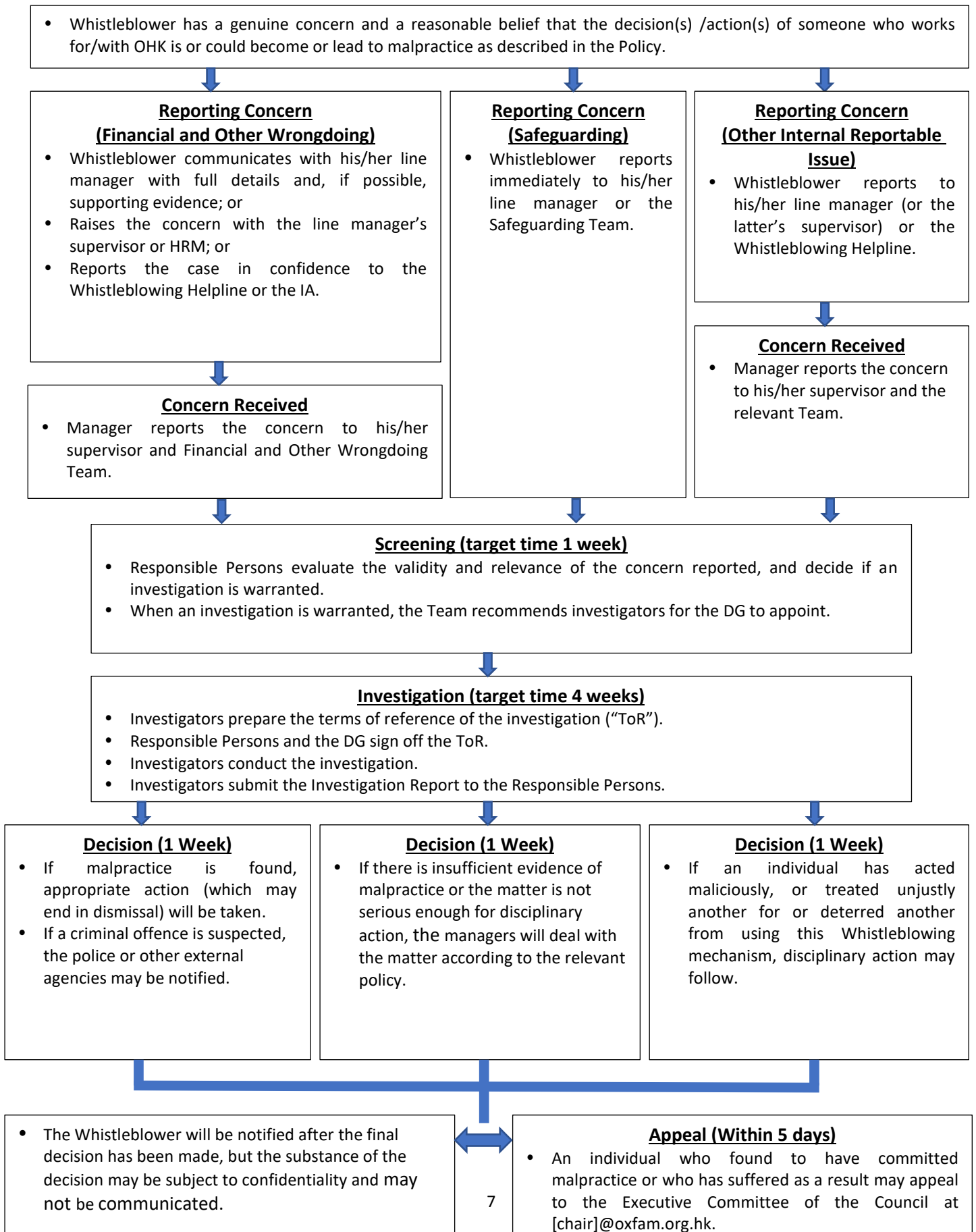
24. An individual who is found to have committed malpractice or violation and an individual who has suffered harm as a result has the right to appeal against the final decision and may file an appeal in writing directly to the Executive Committee of the Council under the [Grievance Procedures and Grievance Hearing]¹ by email to chair@oxfam.org.hk.

Caseload Reporting and Record Retention

25. The Chairs of the Financial and Other Wrongdoing Team and the Safeguarding Team and the administrator of the Whistleblowing Helpline will submit monthly caseload reports to the DG. In the event any concern reported implicates the DG, that concern will be removed from the monthly caseload reports and the full monthly reports will be delivered instead to the Council Chair.
26. Records will be kept of all reported concerns, evaluation and decisions whether or not to undertake investigation. In the event a reported concern leads to an investigation, the relevant Team, the HR Team and the investigators will ensure that all relevant information is retained.

¹ Refer to Staff Handbook (2015), Section 1.11.

Appendix 1: Disclosure and Handling of Malpractice in the Workplace (Whistleblowing) Flow Chart



Appendix 2: Whistleblowing Report Template

This template has been established to encourage and assist Whistleblowers to raise concerns about malpractice in the OHK workplace through a confidential reporting channel. Oxfam Hong Kong will treat Whistleblower's concerns in accordance with the Policy.

If you wish to make a report, please use this report template. You may send the report to the person(s)/channel(s) described in the Policy.

Please read the Policy carefully before you fill in this template.

To: (insert the person/team/channel you would like to report to) ²	
<p>Your Name, Contact Phone Number and Email</p> <p>It is recommended that the report is not made anonymously.</p>	<p>Name: _____</p> <p>Employee <input type="checkbox"/></p> <p>Other Stakeholder <input type="checkbox"/></p> <p>Tel: _____</p> <p>Email: _____</p> <p>Date: _____</p>
<p>Details of Your Concern:</p> <p>(Please provide full details of your concern, together with any supporting evidence.)</p> <ul style="list-style-type: none"> • Is anyone is at immediate risk of physical harm? If so, identify the individual(s). • What happened? Please include dates, times, places, people and other key details. • Who were/are involved? • How have you come to know about what happened? • When did you first become concerned? 	

² If the concerns raised involve the Director General, a Committee Member or a Council Member, you may, at your own discretion, choose to report directly to the Chair of the Council by email (at the email address for the Chair set up specifically to take these concerns). You may report to the Vice Chairs of the Council if the case involves the Council Chair.

- Have you told anyone about what happened and/or the concern?

- What action has been taken?

Personal Information Collection Statement

All personal data collected will only be used for purposes which are directly related to the whistleblowing case you reported. Any anonymous reports not supplying such personal data in general will not be acted upon. Therefore, it is strongly recommended that the report should not be made anonymously. The personal data submitted will be held and kept confidential by Oxfam Hong Kong and may be transferred to parties with whom we will contact during our handling of this case, including the party being complained against or other parties concerned. The information provided may also be disclosed to law enforcement authorities or other concerned units. Where relevant, under the Personal Data (Privacy) Ordinance of Hong Kong, you shall have the right to request access to and correction of your personal data. If you wish to exercise these rights, requests should be made in writing to the person or channel you choose to report to.

Appendix 3: List of Contact

(Updated on June 3, 2019)

1. Financial and Other Wrongdoing Team

Member	Email Address	Phone No.
DoO – Samuel NG	samuel.ng@oxfam.org.hk	(852) 3120 5232
FM – Jeff WONG	jeffw@oxfam.org.hk	(852) 3120 5172
IA – [●]	internalauditor@oxfam.org.hk	(852) 3120 5298
GDM – Noel LO	noel.lo@oxfam.org.hk	(852) 3120 5125
Whistleblowing Helpline	whistleblowing@oxfam.org.hk (email administered by GDM; accessible by FM)	-

(● – Vacant position)

2. Safeguarding Team

Member	Email Address	Phone No.
DoO – Samuel NG	samuel.ng@oxfam.org.hk	(852) 3120 5232
HRM – Wendy Liu	wendy.liu@oxfam.org.hk	(852) 3120 5153
GPM – CHUNG Lai Shan	lszhong@oxfam.org.hk	(852) 3120 5269
GDM – Noel LO	noel.lo@oxfam.org.hk	(852) 3120 5125
Safeguarding Team	safeguarding@oxfam.org.hk (email administered by GDM)	-

3. Council Chair

Council Chair	Email Address
CHEUNG Yuk Tong	chair@oxfam.org.hk

4. Vice Chairs of the Council

Vice Chairs of the Council	Email Address
Monica AU	vicechair@oxfam.org.hk
WONG Hung	

5. Whistleblowing Helpline

Whistleblowing Helpline	Email Address
	whistleblowing@oxfam.org.hk (email administered by GDM; accessible by FM)