



Geneva, 10 September 2020

SERVICE ORDER 20/06
POLICY AND PROTECTION FOR REPORTING MISCONDUCT
(Whistleblowing)

(This Service Order abrogates and replaces Service Order No 11/04 of 22 February 2011)

ITU does not tolerate misconduct and is committed to ensuring that ITU functions in an open, transparent and fair manner.

This Service Order promulgates ITU's Policy and Protection for Reporting Misconduct (Whistleblowing) and clarifies the rights and responsibilities of ITU personnel with respect to reporting suspected misconduct, so as to encourage ITU personnel to raise concerns and enable ITU to address such cases.

The Ethics Office has been instructed to provide confidential guidance and advice to ITU personnel and to conduct confidential reviews of claims of retaliation for reporting misconduct. These activities will be strengthened by an outreach and training programme in cooperation with Human Resources Management Department. However, when performing his/her duties, the Ethics Officer will be independent of any official, Bureau, department or other organizational entity of ITU and will report directly to the Secretary-General.

Houlin Zhao
Secretary-General

Section 1

Purpose and Application

1. ITU does not tolerate misconduct and is committed to fostering and maintaining a culture in which ITU personnel are able to report misconduct without fear of retaliation. ITU is committed to taking swift and appropriate action in cases in which retaliation has occurred.
2. This Service Order clarifies the rights and responsibilities of ITU personnel with respect to reporting suspected misconduct, in order to encourage ITU personnel to raise concerns and enable ITU to effectively address such cases.
3. This Service Order applies to all current and former ITU personnel, defined in Service Order No. 11/02, "Code of Ethics for ITU Personnel", as ITU elected officials, ITU appointed staff (including staff members holding a short-term contract as well as those on secondment) and related personnel such as interns, Junior Professional Officers and individuals who are working under a Special Service Agreement (SSA) contract with ITU.
4. This Service Order applies to reports of suspected misconduct that may threaten the operations or governance of ITU. The protections in this Service Order apply regardless of whether the subject of the allegations is ITU personnel or is a person or entity inside or outside ITU.

Section 2

Definitions

5. The following definitions shall apply for the purposes of the present policy:
 - a) "*Misconduct*" is an intentional, reckless or negligent failure by an ITU personnel to observe his/her obligations under the ITU Constitution and Convention, the Code of Ethics, Standards of Conduct for the International Civil Service, the Staff Regulations and Staff Rules, the Financial Rules and Regulations, service orders and rules or any other obligations on ITU personnel. Misconduct includes proscribed practices, as described in ITU's Policy Against Fraud, Corruption and other Proscribed Practices. It is not possible to provide an exhaustive list of all the behaviors that constitute misconduct. However, examples of behaviors that are misconduct include, but are not limited to:
 - (i) theft, dishonesty or obtaining or attempting to obtain an advantage at the expense of ITU or any person, firm or organization that is, or may be, a client or supplier of ITU;
 - (ii) harassment including sexual harassment;
 - (iii) abuse of authority;
 - (iv) neglect of or failure to perform the duties of employment, including without limitation, failure to disclose material information of a business or legal nature to managers;
 - (v) improper use, waste or abuse of ITU's resources;
 - (vi) failure to disclose a material conflict of interest; or
 - (vii) knowingly making malicious and/or unsubstantiated reports of misconduct or knowingly providing false or misleading information in an Investigative

Process; interference or non-cooperation with an Investigative Process; retaliation.

- b) *“Retaliation”* is any detrimental action, direct or indirect, recommended, threatened or taken against anyone because that individual has engaged in an activity protected by the present policy. Retaliation can include, but is not limited to, harassment, assignment of work outside the corresponding job description, withdrawal of work assignments contained in the job description, or inappropriate performance appraisals.
- c) *“Whistleblower”* is any person who, in good faith and voluntarily, reports a suspected misconduct, or has cooperated with a duly authorized, official audit or investigation.

Section 3

Scope and Duty to Report and Cooperate with Audits and Investigations

- 6. Current and former ITU personnel who have information or evidence to support a reasonable belief that misconduct, as defined in Section 2 above, has occurred have a duty to report it. They also have a duty to fully cooperate with duly authorized audits or investigations.
- 7. An individual who believes s/he has been retaliated against in violation of this policy may seek relief in accordance with this Policy.
- 8. ITU personnel are expressly prohibited from engaging in any form of retaliation against any person for reporting suspected misconduct or for cooperating or providing information during a duly authorized audit or investigation. ITU personnel who engage in such retaliation shall be subject to proceedings under ITU’s Investigation Guidelines. Retaliation against a staff member constitutes misconduct which, if established, will lead to disciplinary measures and/or any other appropriate administrative action.
- 9. This policy does not protect individuals who transmit allegations that are knowingly false or made with reckless disregard as to whether they are true or false. An ITU personnel’s transmission of such allegations itself constitutes misconduct and shall be subject to proceedings under ITU’s Investigation Guidelines. Misconduct, if established, will lead to disciplinary measures and/or any other appropriate administrative action.

Section 4

Reporting and Investigating Retaliation

- 10. An individual who believes retaliatory action has been taken against him/her must report their concern as soon as possible and seek relief from retaliation. It is preferable for individuals to provide as much detail as possible when submitting a report under this Policy. The relevant ITU authority will be better-placed to investigate a matter if the individual coming forward identifies herself/himself, or at least provides contact information.
- 11. Reports can be made through any of the following channels: a direct or hierarchical

supervisor, the Secretary-General, or the Ethics Office. Unless received by the Ethics Office, reports shall be forwarded to the Ethics Office, which shall keep a confidential record of all complaints received and acknowledge receipt of reports made by identifiable sources. Reports should be made preferably in English or French or, in any case, in one of the six ITU official languages.

12. Reports can be made to the Ethics Office through any of the following channels:
 - **Encrypted email:** HelplineITU@protonmail.com
 - **In person or by mail:** ITU Ethics Officer
Office T. 1205
ITU
Place des Nations
Ch-1211 Geneva 20
Switzerland
13. Individuals wishing to protect their identity may make anonymous reports. However, it can be more difficult to assess and investigate anonymous allegations.
14. The identity of ITU personnel who report misconduct to the Ethics Office in this policy will be confidential. Confidentiality means that the ITU personnel provides his/her name, but the Ethics Office and investigative body will reveal the source of the allegations outside their office only on a need-to-know basis, unless:
 - a) The ITU personnel consents to disclosure; or
 - b) The Ethics Office or investigative body determines that:
 - (i) The ITU personnel made allegations that were knowingly false or made with reckless disregard as to whether they were true or false;
 - (ii) There appears to be a risk of imminent danger or serious harm to individuals or the ITU; or
 - (iii) ITU is requested to disclose such information by a competent judicial authority within a member government and decides to comply with such request, giving due consideration to UN policies and principles on human rights.
15. Reports of retaliation will be assessed and investigated in accordance with ITU Investigation Guidelines. Pursuant to the Investigation Guidelines, the Ethics Office will seek to complete the preliminary review within 45 working days of receipt of the allegations. The preliminary review will determine if (i) the complainant engaged in a protected activity and (ii) there is a credible case that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation. The preliminary review will consider whether the matter may be properly investigated taking into account the reliability of the information received, the gravity of the suspected conduct and the availability of relevant evidence.
16. If an investigative body is appointed, the investigative body will seek to complete the investigation and submit a report within 120 working days after the date of his/her appointment. The investigative body will determine whether the evidence substantiates

the alleged retaliation, i.e., whether there is a preponderance of the evidence that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation, or whether the evidence either exonerates the subject or is insufficient to make a finding.

17. ITU personnel who report suspected retaliation under this Policy will be provided with a notice of the final outcome of the assessment or investigative process.
18. Where allegations are raised involving potential retaliation by an Elected Official, such as the Secretary-General, the matter will be referred by the Chairman of the Independent Management Advisory Committee (IMAC) to the Chair of the Council for a decision on how to proceed. Allegations of potential retaliation by the Ethics Officer or the Head, Internal Audit Unit may be raised to the Chair of the Council for further action.

Section 5

Interim Measures

19. Individuals who report suspected misconduct under this policy, as well as those who cooperate or provide information regarding suspected misconduct in the course of an investigative process pursuant to Service Order No. 19/10, "ITU Investigation Guidelines", may be accorded interim measures during the course of assessment or investigation as necessary to safeguard his/her interests.
20. At the direction of the Ethics Office, such interim protections may include, but are not limited to, temporary suspension of the action reported as retaliatory, temporary reassignment within or outside the department or unit, or placement on administrative leave with full pay.

Section 6

Protection of the Person Retaliated Against

21. If retaliation against an individual is established, the investigative body may, after consultation with the individual who has suffered retaliation, recommend to Human Resources appropriate measures to correct the negative consequences of the retaliatory action. Such measures may include, but are not limited to, the repeal of the retaliatory decision, including reinstatement, or, if requested by the individual, transfer to another department, unit or function for which the individual is qualified.

Section 7

Action Against the Person Who Engaged in Retaliation

22. Retaliation against an individual because that person has reported misconduct on the part of one or more ITU officials or cooperated with a duly authorized audit or investigation of ITU constitutes misconduct which, if established, will lead to disciplinary measures as listed in Chapter X of ITU Staff Regulations and Staff Rules and/or other appropriate action.

Section 8 Prohibition of Retaliation Against External Parties

23. Any retaliatory measures by ITU personnel against a contractor or its employees, agents or representatives or any other external party engaged in dealings with the ITU because such person or entity has reported misconduct will be considered misconduct which, if established, will lead to disciplinary measures and/or other appropriate action.

Section 9 Protections for External Whistleblowers

24. ITU will endeavor to ensure that external whistleblowers are protected from retaliation by ITU personnel, with any protective measures to be determined on a case-by-case basis.
25. ITU personnel who are found to retaliate against external whistleblowers will be subject to disciplinary measures and/or any other appropriate administrative action.

Section 10 External Reporting

26. The purpose of this policy is to enable the ITU to take actions necessary to remedy misconduct and, accordingly, ITU personnel are required to report suspected misconduct through the channels described in this policy.
27. However, protections against retaliation shall be extended to an ITU personnel who reports suspected misconduct to an entity or individual outside of the established internal channels where the ITU personnel can prove that:
 - a) S/he had a reasonable basis to believe that such external reporting was necessary to avoid:
 - (i) A significant threat to public health or safety; or
 - (ii) Substantive damage to ITU's operations; or
 - (iii) A violation of national or international law; and
 - b) The ITU's internal response was inadequate because (i) the ITU personnel has previously reported (other than anonymously) the suspected misconduct pursuant to this policy and (ii) ITU has failed to inform the staff member in writing of the status of the matter within six months of such report; and
 - c) S/he did not accept any payment or any other benefit from any party for such report and the reporting does not cause the ITU to violate its obligations to protect the confidential information of third parties.

Section 11
Advice

28. ITU personnel who are uncertain as to how they should handle suspected misconduct according to this policy may seek confidential and impartial guidance and advice from the Ethics Office.
29. ITU encourages personnel to contact the ITU's mediators or staff counsellor to seek informal resolution to the issue giving rise to the retaliation concern where possible and appropriate.

Section 12
Entry into Force and Periodic Review

30. The present Policy shall enter into force on the date of promulgation of the present Service Order. It will apply to any retaliation that an ITU personnel becomes aware of from the date of promulgation of the present Service Order. This policy will be reviewed on a periodic basis, as needed.