

## **PROTECTIONS AND PROCEDURES FOR REPORTING MISCONDUCT (WHISTLEBLOWING)**

### **1. Subject, Policy Rationale, and Applicability**

#### **Subject and Policy Rationale**

1.01 The purpose of this Rule is to clarify the rights and responsibilities of staff members with respect to reporting misconduct that may threaten the operations or governance of the Bank Group, so as to encourage staff members to raise concerns and enable the Bank Group to effectively address such cases, manage risks, and uphold standards of good governance. This Rule is effective [*Date*], with respect to reports made on or after that date.

#### **Applicability**

1.02 This Rule applies to all staff members and former staff members, as defined in Staff Rules 1.01, “General Provisions,” and 4.01, “Appointment,” regarding actions taken in the course of their employment.

### **2. Reports of Suspected Misconduct under this Rule**

2.01 This Rule applies to reports from staff members of suspected misconduct that may threaten the operations or governance of the Bank Group. The protections set out in this Rule shall apply to staff members who report such misconduct as well as staff members who cooperate or provide information during an ensuing review or investigation of such allegations. These protections apply whether the subject of the allegations is a staff member, the President, Board Officials, or any other person or entity inside or outside the Bank Group.

2.02 Because this Rule is intended to encourage early reporting that facilitates effective investigation and remediation, staff members should report suspected misconduct as soon as possible after becoming aware of the suspected misconduct. A report should be accompanied by any information or evidence in the staff member’s possession that would support a belief that misconduct may have occurred.

2.03 The protections afforded by this Rule do not require that the staff member’s report of suspected misconduct lead to a final determination by the Bank Group that misconduct has occurred. Nor is the staff member required to determine whether the suspected misconduct meets a specific degree of seriousness.

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2.04 This Rule does not protect the transmission of allegations that are knowingly false or made with reckless disregard as to whether they are true or false. A staff member's transmission of such allegations itself constitutes misconduct and shall subject the staff member to disciplinary action under Staff Rule 8.01, "Disciplinary Proceedings."

### **3. Staff Rights and Obligations in Reporting Suspected Misconduct**

3.01 The duties of Bank Group staff to report suspected misconduct and to cooperate with Bank Group investigations are set forth in Staff Rule 8.01, Paragraphs 2.02 and 4.06. A staff member who reports suspected misconduct may choose to remain anonymous or request that his or her name be kept confidential, as set forth in Staff Rule 8.01, Section 5.

3.02 Staff members who report suspected misconduct or who cooperate or provide information during an ensuing review or investigation under this Rule are further accorded the following rights and protections:

- a. **Prohibition Against Retaliation.** Managers and other staff members are expressly prohibited from engaging in any form of retaliation against any person for reporting suspected misconduct, or for cooperating or providing information during an ensuing review or investigation. For purposes of this Rule, retaliation shall mean any direct or indirect detrimental action recommended, threatened, or taken because an individual engaged in an activity protected by this Rule. A staff member who engages in such retaliation shall be subject to disciplinary action under Staff Rule 8.01.
  - b. **Interim Protections.** Staff members who report suspected misconduct under this Rule, as well as staff members who cooperate or provide information regarding suspected misconduct in the course of an ensuing review or investigation, shall be accorded interim protections during the course of review or investigation as necessary to safeguard the interests of such staff members. At the direction of the Vice President, Human Resources, and with the consent of the staff member, such interim protections may include temporary reassignment to another unit in accordance with Staff Rule 5.01, "Reassignment" or, in exigent circumstances, temporary placement on administrative leave in accordance with Staff Rule 6.06, "Leave."
  - c. **Notice of Outcome.** Staff members who report suspected misconduct under this Rule may be informed of the outcome of the Bank Group's review or investigation into the matter, including whether misconduct has been substantiated and whether disciplinary measures, sanctions, or other remedial measures have been taken. Information regarding disciplinary measures imposed on another staff member shall be handled in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," Section 4, "Disciplinary Matters."
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3.03 A staff member who has participated in misconduct may not avoid disciplinary action simply by reporting the misconduct and seeking protection under this Rule. Depending upon the circumstances, a staff member's reporting and degree of cooperation may be taken into consideration in determining the appropriate disciplinary actions for that staff member pursuant to Staff Rule 8.01.

#### **4. Receipt and Investigation of Reports of Suspected Misconduct**

4.01 Where managers or other staff members are uncertain as to whether or how suspected misconduct should be reported in accordance with this Rule or Staff Rule 8.01, they may seek confidential guidance and advice from Ombuds Services or the Office of Ethics and Business Conduct, as appropriate. As set forth in Staff Rule 8.01, Paragraph 2.02, staff members generally should report suspected misconduct to their managers or INT; managers should report to INT.

4.02 A fair, prompt and thorough review of the facts and circumstances regarding reports of misconduct under this Rule shall be conducted by INT or by a person outside INT designated by the President or, if authorized to do so by the President, by a person designated by a Managing Director, the Senior Vice President and Group General Counsel, or the Vice President, Human Resources pursuant to Staff Rule 8.01, Paragraph 4.04, "Conduct of Investigation." This may include designation of an external reviewer from outside the Bank Group.

4.03 Reports of suspected misconduct involving the President or Board Officials should be made to the Ethics Committee of the Board, for handling in accordance with the Code of Conduct for Board Officials.

#### **5. Receipt and Investigation of Claims of Retaliation**

5.01 Staff members who believe they have been retaliated against by managers or other staff members for reporting suspected misconduct or for cooperating or providing information in the course of an ensuing review or investigation may seek confidential guidance and advice from Ombuds Services, the Office of Ethics and Business Conduct, or other associated services within the Conflict Resolution System (CRS), or from the Staff Association, with regard to avenues for challenging the alleged retaliation.

5.02 Where a staff member wishes to seek relief from an adverse employment action alleged to constitute retaliation, the staff member shall have a right to a fair, prompt and thorough review of the challenged action through the CRS. A staff member may formally challenge the alleged retaliatory action before the Appeals Committee and Administrative Tribunal pursuant to the established procedures of those bodies as set forth in Staff Rule 9.03, "Appeals Committee," and Staff Rule 9.05, "The World Bank Administrative Tribunal," respectively. A staff member may

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also seek voluntary mediation of the matter through the Office of Mediation, pursuant to Staff Rule 9.01, "Office of Mediation," or seek assistance from Ombuds Services pursuant to Staff Rule 9.02, "Ombudsman." Where a staff member has made a *prima facie* case of retaliation for an activity protected by this Rule (i.e., by showing that the staff member reported suspected misconduct under this Rule and has a reasonable belief that such report was a contributing factor in a subsequent adverse employment action), the burden of proof shall shift to Management to show – by clear and convincing evidence – that the same employment action would have been taken absent the staff member's protected activity.

5.03 Where a staff member may seek disciplinary action against a manager or other staff member alleged to have engaged in retaliation, a fair, prompt and thorough review of the facts and circumstances regarding the retaliation claim shall be conducted by INT or, if appropriate, by a person outside INT designated by the President or, if authorized to do so by the President, by a person designated by a Managing Director, by the Senior Vice President and Group General Counsel, or by the Vice President, Human Resources pursuant to Staff Rule 8.01. This may include designation of an external reviewer from outside the Bank Group. In addition:

- a. Where it appears inappropriate for the person(s) who had previously reviewed a staff member's report of misconduct to review a subsequent retaliation claim brought by the same staff member, another person shall review the retaliation claim.
- b. The investigation into potential misconduct by the alleged retaliator shall follow the established procedures under Staff Rule 8.01 for such cases.
- c. The staff member alleging retaliation may be informed of the outcome of the Bank Group's review or investigation into the matter, including whether misconduct has been substantiated and whether disciplinary measures, sanctions, or other remedial measures have been taken. Information regarding disciplinary measures imposed on another staff member shall be handled in accordance with Staff Rule 2.01, Section 4.

5.04 Where retaliation has been substantiated through disciplinary proceedings under Paragraph 5.03, the Vice President, Human Resources may offer relief, compensation or other corrective measures to the staff member who suffered retaliation, without requiring the staff member to pursue a formal appeal through the CRS under Paragraph 5.02 of this Rule. Such corrective measures shall be provided in consultation with the staff member.

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## 6. External Reporting

6.01 Because a primary objective of this Rule is to enable the Bank Group to take institutional measures necessary to remedy misconduct, staff members are generally required to report suspected misconduct under this Rule through the internal mechanisms set forth in Section 4 of this Rule.

6.02 Nevertheless, protections against retaliation by Bank Group managers or other staff members shall be extended to a staff member who reports suspected misconduct to an entity or individual outside of the established internal mechanisms where the staff member can show that:

- a. such reporting is necessary so as to avoid:
    - i. a significant threat to public health and safety; or
    - ii. substantive damage to Bank Group operations; or
    - iii. a violation of national or international law; and
  - b. the established internal mechanisms are inadequate because:
    - i. the staff member has grounds to believe that it is not possible to report the suspected misconduct pursuant to any of the established internal mechanisms because all such avenues would subject the staff member to retaliation within the institution; or
    - ii. the staff member has grounds to believe that it is not possible to report the suspected misconduct pursuant to any of the established internal mechanisms because all such avenues would create a likelihood that evidence relating to the suspected misconduct will be concealed or destroyed; or
    - iii. the staff member has previously reported the suspected misconduct through the established internal mechanisms (and not on an anonymous basis), and the Bank Group has failed to inform the staff member in writing of the status of the matter within six months of such report; and
  - c. the staff member does not accept payment or any other benefit from any party for such report.
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6.03 Qualified external reports made by staff members in accordance with Paragraph 6.02 above shall not be considered as a breach of staff members' obligations with regard to the disclosure and use of non-public information under Staff Rule 3.01, "Standards of Professional Conduct," Paragraph 5.01 on "Disclosure and Use of Non-Public Information."

### **7. Prohibition of Retaliation Against Outside Parties**

7.01 As provided in Staff Rule 8.01, and reiterated above in Paragraph 3.02 of this Rule, retaliation by a staff member against *any person* who provides information about suspected misconduct is expressly prohibited and shall subject a staff member to disciplinary action under Staff Rule 8.01. This prohibition is not limited to retaliation against other Bank Group staff members. The prohibition includes retaliation against Bank Group contractors and their employees, agents or representatives, and any other persons engaged in dealings with the Bank Group.

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