

ETHICS COMPLAINT AND WHISTLEBLOWER

Effective Date	02/24/2020	Version	2	Version Date	02/24/2020
Responsible Team	Ethics Team				
Supersedes	V. 1				
Policy Type	Tier 1	Policy Number	n/a		

POLICY

1. Purpose

- 1.1. Achieving Mercy Corps' mission of alleviating suffering, poverty and oppression by helping people build secure, productive and just communities requires all of us to perform with the highest personal and professional ethical conduct. The culture we strive to create at Mercy Corps requires caring deeply and recognizing that every voice matters. This policy serves to guide team members who have specific concerns that our common commitments to ethical conduct may be at risk. It addresses how team members can and must report specific concerns, the protections against retaliation for reporting, and how Mercy Corps will address reports.

2. Scope and Application

- 2.1. This policy applies to: Mercy Corps Global, Mercy Corps Europe, Mercy Corps Netherlands, their subsidiaries and affiliate organizations (collectively "**Mercy Corps**"); Members of Mercy Corps' Boards of Directors, officers, management, Team Members, seconded employees, interns, and volunteers (collectively "**Team Members**"); and Sub-recipients, partner organizations, contractors, outside experts (including attorneys), consultants, agents, representatives, and any other organization or individual that acts on Mercy Corps' behalf or at Mercy Corps' direction (collectively "**Partners**").

3. Policy Statements

- 3.1. Mercy Corps expects all Team Members and Partners to adhere to the highest standards of accountability, which requires honest and ethical conduct. Mercy Corps expects management to maintain a culture that supports and strengthens commitment to these high standards.
- 3.2. It is the responsibility of all Team Members to comply with Mercy Corps' ethical principles as contained in the Code of Conduct, Anti-Corruption, Anti-Bribery, Child Safeguarding, Prevention of Sexual Exploitation and Abuse of Participants and Sexual Misconduct and Anti-Trafficking Policies ("**Code of Conduct Policies**") and to report immediately Violations or suspected Violations in accordance with this policy.
- 3.3. This policy is intended to encourage and enable Team Members and Partners to raise allegations of violations of Mercy Corps' Code of Conduct Policies, waste and/or

mismanagement of funds, abuse of authority, substantial and specific danger to public health and safety caused by Mercy Corps or its Partners, or violations of any law, rule, or regulation related to donor requirements, or other illegal conduct (collectively referred to herein as “**Violations**”) in good faith, without the fear of retaliation, internally so that Mercy Corps can address and correct inappropriate conduct and actions. It is the responsibility of all Team Members and expectation of all Partners to protect Mercy Corps, its mission and its beneficiaries and donors from Violations and to ensure that Violations are reported and addressed.

- 3.4. No Team Member or Partner who reports a Violation will suffer harassment, retaliation, or adverse employment consequence, such as being terminated, demoted, or otherwise discriminated against as a reprisal for reporting a Violation. This whistleblower protection cannot be waived by any agreement, policy, form, or condition of employment.
- 3.5. Mercy Corps will not tolerate retaliation and a Team Member who is determined to have retaliated against someone for reporting a Violation may be subject to discipline up to and including termination of employment.
- 3.6. Reports of retaliation should be made to the Mercy Corps hotline: mercycorps.org/integrityhotline. Reports of retaliation will be investigated promptly in a manner intended to protect confidentiality as much as practicable, consistent with a full and fair investigation.
- 3.7. This policy and Mercy Corps’ hotline are not intended to address general complaints about the workplace, interpersonal issues, or other issues not related to Violations as described above. General complaints should be raised with supervisors or other responsible functions within Mercy Corps.
- 3.8. Knowingly making a false allegation or making false or misleading statements in an allegation or to Mercy Corps investigators, external law enforcement, or donor investigators may also lead to disciplinary action up to and including termination of employment.
- 3.9. Mercy Corps will not require its Team Members or Partners to sign or comply with internal confidentiality agreements or statements that prohibit or otherwise restrict Team Members or Partners from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a department or agency authorized to receive such information.
- 3.10. Mercy Corps and its donors greatly appreciate Violations first being reported internally as described in this Policy. Internal reporting ensures Mercy Corps can fully follow-up, including proper reporting to the donor as and when the donor requires. The whistleblower protections in this policy apply to Team Members and Partners who report Violations, whether reports are made internally to Mercy Corps or directly to authorities or institutional donors.

4. Required Procedures

- 4.1. Education and Awareness
 - 4.1.1. All Team Members will be trained on the contents of this policy via Mercy Corps’ mandatory Code of Conduct training.
 - 4.1.2. All Mercy Corps offices will display the Mercy Corps Whistleblower Policy posters, translated into the primary language of the office, in conspicuous locations where all staff will see them.
- 4.2. Partner Contractual Requirements
 - 4.2.1. All Mercy Corps agreements with Partners will include a clause that requires the Partner to adhere to the substance of this policy and to communicate this policy to their staff.
- 4.3. Reporting Procedures

- 4.3.1. Mercy Corps suggests that Team Members share their questions, concerns, suggestions or complaints with their supervisor or their senior leadership. If Team Members concerned about a potential Violation of Mercy Corps' Code of Conduct Policies are not comfortable speaking with supervisors or senior leadership, are concerned there may be a conflict of interest, or are not satisfied with their supervisor's or senior leadership's response, they are encouraged to speak with an Ethics Officer through Mercy Corps' hotline at mercycorps.org/integrityhotline. Written reports may be made in any language. Where reported Violations may affect an individual's physical or emotional safety or well-being, Mercy Corps will seek to provide timely referrals for medical and/or psychosocial support. Mercy Corps will also seek to ensure the safety and security of the individual at risk as well as the safety of any other Team Members, Partners and communities that could be at risk.
 - 4.3.2. Supervisors and/or Team Leaders are required to immediately report all complaints about Violations of Mercy Corps' Code of Conduct Policies, preferably in writing, to the Ethics Team.
 - 4.3.3. Reporting to the hotline may be done anonymously, although this may impede the ability of the Ethics Team to assess the complaint or conduct its investigation. Mercy Corps encourages non-anonymous reporting.
 - 4.3.4. In the event that a team member wishes to report an allegation against a Mercy Corps executive team member, the allegation may be made either to the Ethics Team or directly to Mercy Corps' Joint Audit and Risk Committee Chair. Allegations against executive team members will be investigated by external expert investigators.
- 4.4. Follow-Up and Investigation of Complaints**
- 4.4.1. The Ethics Team is responsible for ensuring that all complaints are quickly assessed for credibility and determining whether the complaint merits further investigation. The Ethics Team will follow up on complaints promptly. Notice will be sent to the person who submitted the complaint to acknowledge receipt of the reported Violation or suspected Violation.
 - 4.4.2. The Ethics Team will ensure a full and complete investigation of complaints deemed to merit further investigation. The Ethics Team will use the most efficient means and methodology of timely determining the full facts and scope of any wrongdoing while ensuring the integrity and independence of the investigation. Mercy Corps will also seek to address safety and security concerns related to any investigation and will seek to ensure the well-being of any victim of wrong-doing as part of its investigation. The investigation methodology and the actual investigative team members will vary based on the nature and scope of the alleged Violation. The Ethics Team may rely on other Mercy Corps team members to participate in or conduct the investigation, may conduct the investigation themselves, may hire external, specially trained investigators to participate in or conduct the investigation, or may rely on external law enforcement to conduct the investigation.
 - 4.4.3. In the event a report is determined non-credible (or does not allege a Violation of Mercy Corps' Code of Conduct Policies or other illegal or unethical conduct) and will not be investigated, the Ethics Team will ensure that such determination is made in writing with justification for that determination. The Ethics Team will ensure that all investigations are fully documented in a full and final report detailing the investigative means and methodology, evidence, factual conclusions, and corrective measures.
 - 4.4.4. When conducting its investigations, Mercy Corps will strive to keep the investigation and the identity of the reporting individual as confidential as possible. The identity of the reporting individual will only be disclosed after first and foremost considering the safety and security of the reporting individual and only when necessary to ensure a full and complete investigation, to ensure lessons are learned and corrective measures are instated after the investigation, or when required or requested by external donors or law enforcement in order to facilitate their investigation.

5. Roles and Responsibilities

- 5.1. Country Directors are ultimately responsible for ensuring that all complaints in their country are properly reported to the Ethics Team and that whistleblowers in their country are not retaliated against.
- 5.2. Mercy Corps’ General Counsel is responsible for overseeing the Ethics Team and its decisions under this policy.
- 5.3. Assessments and investigation reports are reviewed by the Ethics Incident Review Committee (EIRC), which is chaired by the Ethics Team and currently comprised of General Counsel, Directors of International Finance, Finance & Compliance Support Unit, Compliance, MCE Governance & Risk, MCE Finance, Internal Audit, Global HRS, and Global Field Programming. In the event that the integrity or independence of the investigation merits it, the Ethics Team may require individual EIRC members to recuse themselves from reviewing a particular matter or may constitute a special EIRC comprised of different individuals for a particular matter. In the event the complaint involves a senior leader, the General Counsel may work directly with the Joint Audit and Risk Committee to review the matter. No matter may be closed until the EIRC unanimously determines the issue can be closed.
- 5.4. The Ethics Team provides a report of incidents to the Joint Audit and Risk Committee at each of its regularly scheduled meetings. The Joint Audit and Risk Committee has ultimate oversight of complaints and their resolution.

6. Policy Governance

- 6.1. Responsibility for ensuring this policy is monitored, enforced, and remains up-to-date and compliant rests with Mercy Corps’ Legal Department and General Counsel.
- 6.2. This Version 2 of the Policy was approved by the Mercy Corps Board of Directors, Mercy Corps Europe Board of Directors, and Mercy Corps Netherlands Board of Directors on February 24, 2020. This Policy may only be amended or changed with the approval of the Boards.

Responsible Team	Ethics Team
Policy Owner	General Counsel
Policy Approver	Mercy Corps Board
Last Reviewed	February 24, 2020
Next Review Date	February 24, 2021