



**BANQUE OUEST AFRICAINE DE
DEVELOPPEMENT**

INFORMANT PROTECTION POLICY MANUAL

APRIL 2014

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List of acronyms and abbreviations

BOAD : WEST AFRICAN DEVELOPMENT BANK

DILFC : Division of the integrity and the fight against fraud and corruption

MPPCF : Manual of Policy and Procedures for the prevention and fight against Corruption and Fraud

I. INTRODUCTION

1.1 This Policy of whistleblower protection aims to strengthen the integrity of the West African Development Bank (BOAD) system, to fight against corruption and other wrongdoing and provides mechanisms of abuses denunciation and protection rules for denunciators or whistleblowers of acts of misconduct under the Policy Manual and Procedures for Prevention and Fight against Corruption and Fraud (MPPCF). It falls in line with the efficient implementation of the Policy and Procedures for Prevention and Fight against Corruption and Fraud Manual (MPPCF) and investigation and sanctions procedures that it completes.

II. OBJECT

2.1 The Bank is committed to upholding the highest ethical, moral and legal norms within it as in projects, programs and activities it finances. In accordance with this commitment and in order to promote good governance and transparency, this policy is primarily intended to provide an opportunity to voice its concerns about misconduct and to provide assurance that disclosers of information about fraud, corruption or any other breach will be protected from retaliation.

Reprehensible practices are all acts of corruption, fraudulent, collusive maneuvers, coercive maneuvers, obstruction and obstructive maneuvers in the activities and operations financed by the Bank, as defined in the Policy and Procedures Manual to prevent and fight against Corruption and Fraud (MPPCF). The policy outlines the following aspects:

- The pillars of the mechanism;
- The scope;
- The quality of whistleblower and / or complainant;
- Protection and appeal procedures of whistleblowers and complainants;
- The mechanism for resolving disputes;
- The voluntary disclosure program;
- The processes and procedures, and
- The emergency device.

2.2 The Comptroller General is designated as guarantor of abuses whistleblowers and is empowered to implement this Policy. The Integrity and fight against fraud and corruption Division (DILFC) under the General Control will be responsible for carrying out investigations required by the Policy through its Bureau of Investigation.

III. PILLARS OF MECHANISM

3.1 The MPPCF underlines the need to detect, report and, more importantly, prevent any form of mismanagement of resources. The establishment of a whistleblower protection policy is likely to strengthen good governance in the Bank and in the projects it finances.

According to the MPPFC, the Bank will have a reliable, effective and efficient mechanism for third parties, the staff of the Bank and development partners

to report, confidentially, cases of reprehensible practices on from the Bank staff and others involved in projects and activities it finances. The "Bank staff" includes all officers of the Bank. For the purposes of the application of this policy, are treated as members of the Bank staff, temporary staff, consultants employed by the Bank or any person hired or employed on a permanent or temporary basis, directly or indirectly, by the Bank.

3.2 It exists in the Bank a range of instruments and initiatives that will continue to be utilized to the deterrence, prevention and detection of reprehensible practices. The application of best practices and standards of internal control is one of the pillars of this policy. This framework will provide the Department a suitable environment for defining control philosophy and operating style within the Bank by sensitizing the staff on the issues of integrity and ethical values, on delegation of powers and responsibilities, as well as on strengthening internal controls.

3.3 The Staff has participated in defining values ("core values") of the Bank, which require, at any time, the observation of ethical standards, honesty and the highest responsibility and dictate it the best customer service in rigor, efficiency and transparency. The core values are supported by a credible mechanism of abuses denunciation and grievances processing.

3.4 The core values encourage the staff of the Bank to avoid any act that might tarnish their image as responsible, international officers or employees of the Bank. They are required to watch the greatest discretion in the exercise of their duties and avoid situations of real or apparent conflict of interest between their duties in the Bank and their private activities.

3.5 The Code of Ethics of the Bank, the Regulation and the Staff status, the Code of Conduct applicable to officers of the Bank and the Charter of the representative of the Bank in the board of directors of companies and institutions, strengthen compliance with core values and provide staff to demonstrate integrity, honesty, probity and loyalty in the performance of his duties and his private activities.

IV. SCOPE

4.1 In accordance with the Policy and Procedures for Prevention and Fight against Corruption and Fraud Manual (MPPCF) and the policy of investigations and sanctions, the staff of the Bank shall report any act of fraud and corruption or any other breach of which he becomes aware of.

Similarly, in line with its policy of good governance, the Bank requires its development partners and stakeholders to report acts of reprehensible practices, including those involving staff and / or projects of the Bank and the actions that affect the operations and mission of the Bank.

In general, the revelations expected from Bank staff and parties affected include the following, the list is not limited: (i) unlawful acts or instructions involving the violation of the law, waste, the mismanagement, abuse of power, a serious and specific health or public safety hazard, (ii) non-compliance with statutory obligations in the host country, the place of employment or in the country of assignment; (iii) fraud, (iv) corruption, (v) failure (vi) coercion, (vii) collusion (viii) any other act endangering operations and mission of the Bank.

4.2 The denunciations of abuse should be made with firm conviction that the reported fact is true. Assertions and concerns expressed anonymously are considered at the discretion of the Bureau of Investigation. In exercising this discretion, the Bureau of Investigation is based on factors such as the seriousness of the claim, its credibility and the extent to which this assertion can be confirmed or corroborated from recognizable source, the list is not exhaustive.

V. QUALITY OF INFORMANT OF ABUSE OR COMPLAINT

5.1 Is informant of abuse or complainant any person or party who communicates or turns about to communicate a concern, assertion or information indicating that an act of reprehensible practice is being committed or has been committed in the Bank or in a project or program of the Bank, knowing or having a firm conviction that the concern, the assertion or the information is true.

These persons or parties include, the list is not exhaustive, the Bank staff, contractors, consultants, national officials, officers of executing agencies, professional organizations and non-governmental organizations, officials of other international financial institutions, former officials of the Bank and any other entity or person.

5.2 This Policy does not apply to grievances of Bank staff regarding non-conclusive test reports, performance assessments, and discrimination in the allocation of labor, equality of opportunity in employment, sexual harassment or any other personal grievance.

This type of complaint is sent to the Department of Human Resources and other mechanisms established for this purpose by the Bank, which make a report to the President of the Bank for the suitable actions.

However, if the informant or complainant considers that the management of the Bank uses factors such as test reports, performance assessments, and allocation of labor, equality of opportunity or any form of harassment in retaliation, the policy applies.

5.3 The success of this policy depends in part on the moral conscience and professional ethics of the informant or complainant and the guarantee of confidentiality.

However, any sense of peer ostracism, harassment or persecution by the management can only discourage informant of abuse. To avoid psychological pressure that these conflicts can lead to for informants and complainants, they benefit protection from the Bank.

5.4 It should be noted that informants and complainants report the facts. They are not investigators or inspectors, they do not determine whether corrective action is required, nor do they define those suitable.

VI. PROTECTION INFORMANTS AND COMPLAINANTS

6.1 The Bank shall ensure by all means to protect the identity and person of informants and complainants. For a mechanism of denunciation and complaint to operate with due efficiency, stakeholders must be properly assured that the information provided will be treated confidentially and, above all, they will be safe from retaliation in the Bank and outside the Bank. The identity of the informant or complainant remains confidential, unless: (i) the person agrees to be identified, (ii) identification is necessary to enable the Bank and the police to conduct investigations and give an appropriate response to the information revealed (iii) identification is required by law or the rules and regulations of the Bank in case of false accusation, and (iv) the person accused has the right to this information under the Act or the rules and regulations of the Bank in the context of disciplinary proceedings. In this case, the Bank shall inform the informant or complainant before revealing his identity.

6.2 No retaliation is allowed against an informant or complainant. "Reprisals" means any act, direct or indirect, of discrimination, victimization, harassment or retaliation recommended or taken against an informant or complainant or of which he is threatened by anyone for revealing information under this Policy. Loan agreements and grant as well as conventions signed by the Bank as part of its activities will include clauses in agreements with which the Bank commits to reprimand any person engaged in retaliation.

6.3 The Bank may not protect external parties within the limits of its resources. However, any act of retaliation against a partner, its employees, agents or representatives from the staff of the Bank due to the information revealed by these people under the Policy is considered a failure and exposes its author to disciplinary action. If a partner of the Bank engages in retaliation, the relevant agreement will be automatically subject to immediate review and possibly to termination.

6.4 Under reserve of the provisions of this Section 6, the Bank may, depending on circumstances, use protective measures and the following sanctions:

- To the extent possible, the Investigation Bureau shall ensure the confidentiality of the identity of informants and complainants. Subject to the rules and regulations of the Bank, the Bureau of Investigation protects the identity of a person making a complaint or bears witness in an investigation;

- When a person is or is about to make a statement with the firm conviction that the contents of his statement is true on a matter within the jurisdiction of the Integrity fight against fraud and corruption Division and (DILFC), his identity is fully protected by the Bureau of Investigation

from unauthorized disclosure, even in case of transfer of cases to national authorities;

- If a party external to the Bank has the firm conviction to be threatened by retaliation for aiding an investigation or audit of the Bank, the President, upon recommendation of the Bureau of Investigation, ensures that the Bank provides a reasonable and appropriate assistance for the protection of this party;

- If there is an unauthorized disclosure of the identity of an informant or a person assisting in DILFC investigations, the Investigation Bureau recommends appropriate disciplinary action in accordance with the rules and regulations the Bank.

6.5 The Bank provides employment protection. The Bank staff who makes a complaint or discloses information alleging fraud, corruption, misconduct or any other act constituting reprehensible practices knowing or having firm conviction that the information provided is true, is protected from any act of retaliation.

Based on the conclusions and recommendations of the Bureau of Investigation, the President determines the appeals available for an informant victim of retaliation acts. These appeals include, the list is not exhaustive:

- Reinstatement to the same or a similar position in pay, responsibility, advancement opportunities and job security;

- The salary arrears and benefits, taking into account the advancement and salary increases that the person would eventually obtain;

- Damages and interests, including financial losses due to the retaliation of the Bank and for emotional distress, including any physical pain suffered as a result of this anxiety and related medical expenses;
- -Legal expenses such as attorneys' fees, expenses of witnesses, experts, travel expenses and other expenses related to lawsuit against retaliation. These costs should be paid automatically to the informant of abuse who succeeded;
- The transfer, at the request of the person concerned in another department of the Bank;
- The Intangible benefits, such as public recognition of the exoneration of the abuse informant and, if necessary, public recognition (including rehabilitation) for his contribution to the Bank.

6.6 In addition to the appeals listed in paragraph 6.5, the Investigation Bureau has the discretion to recommend, where appropriate, other measures:

- If there is a reasonable risk that a staff member of the Bank is personally affected or that the safety and well-being of his family are threatened, the Bureau of Investigation, on the instruction of the President of the Bank gives the staff member the status of informant and shall take, as a precaution, appropriate measures to ensure the safety of the individual and his family;
- If the Bureau of Investigation deems threatened the life of an informant, it shall immediately inform the President of the Bank who makes take immediate steps and actions to protect the informant;
- If a member of staff has suffered retaliation or is threatened of retaliation for aiding an investigation or audit, the President shall take appropriate

measures, on the recommendation of the Bureau of Investigation to prevent such acts or prevent them from harming the staff member.

- Therefore, any staff member convinced that an act of retaliation was made against him due to his denunciation or his cooperation in an investigation or audit should contact the Head of the Investigation Bureau, by supporting his complaint by all the information and documents available.
- The Investigation Bureau shall examine urgently the evidence and make a decision or order to conduct an immediate investigation. On the recommendation of the Bureau of Investigation, the President immediately ensures the protection of the staff member concerned by any reprisals;
- If there is no need to respond to a complaint filed by an informant or complainant, but it is clear that the staff member has acted in good faith, the Investigation Bureau shall ensure that the latter does not suffer reprisals. If they are established, retaliations for information disclosed in good faith constitute themselves a breach.
- If a staff member can prove that before the reprisals which he claims to be the object to, he had reported or was about to report to the emergency mechanism or under any other information mechanism under this Policy, a case of reprehensible practices, the Investigation Bureau recommends to the President any useful interim measure while awaiting the outcome of an investigation in good and due form, after which the Investigation Bureau shall recommend measures for final relief the informant;
- If a member of staff can prove to have been taken by mistake for an informant and has suffered reprisals as a result, he reports the case to the

Investigation Bureau with all information and records available. The Investigation Bureau shall urgently examine the evidence and recommend to the President the remedial measures that are needed;

- - If a member of staff can prove before retaliation he claims to be the object to, he had reported or was about to report a case of fraud, corruption or any other breach of the emergency number at general control or to the integrity and fight against Fraud and corruption Division, or under any other information mechanism under this policy, the employee is deemed to have met the minimum charge of the proof.
- The charge of the proof now lies with the Bank, which must prove clearly and convincingly that the action taken against the staff member responded to distinct and legitimate reasons, and did not constitute an act of retaliation or retaliation for the irregularities reported by the applicant (s);
- If the allegation of retaliation or the threat comes from the Bureau of Investigation, the complaint should be made to the President of the Bank;
- If the allegation of retaliation or the threat comes from the President, the Comptroller General shall inform the Dean of the Board of Directors and the President of the Audit Committee of the Bank;
- -Any staff member who engages in gratuitous assertions or without the firm conviction that the information provided is true is subject to disciplinary action in accordance with the Staff Rules of the Bank.

6.7 Before revealing any information about a case of fraud, corruption or other failure, the Bank staff should first use the procedures provided for in this

Policy. Protection against retaliation for disclosing information is provided when:

- this disclosure is necessary to avoid i) a serious threat against the public health and safety, or ii) an important prejudice for the Bank's operations;
- The use of other mechanisms is not possible because, at the time of the revelation, the author has reason to believe he is at risk of retaliation from the person (s) to whom he must address under these or other mechanisms established that there are chances that the evidence relating to the failure to be hidden or destroyed if the author addresses the (in) person (s) provided (s) by the mechanisms established or that the author has already revealed in the past the same information by following these mechanisms established and the Bank has not informed in writing of the action taken on the matter within three months;
- The author does not accept from anyone no payment or other benefit for this revelation.

6.8 Public communication of information by persons outside the Bank is assessed in light of the established investigative procedures.

6.9 In accordance with the objectives of this Policy, the report of the Bureau of Investigation recommending remedial action is given to the informant.

VII. DISPUTE RESOLUTION MECHANISM

7.1 In addition to the appeal Commission under the investigation and sanction Policy, the Bank staff has a mechanism for dispute resolution, such as conciliation, in case of reprisals for disclosures made under the this Policy.

Upon adoption of the Policy, the Bank will propose such an independent mechanism for resolving disputes in favor of informants. The rules to observe by an independent mechanism for dispute resolution, such as conciliation, and location will be agreed upon between the parties.

VIII. VOLUNTARY DISCLOSURE PROGRAM

8.1 The Bank encourages staff, partners, companies and individuals involved in the projects it finances to voluntarily provide information on any cases of misconduct of which they have knowledge.

Voluntary disclosure of irregularities will effectively mitigate the application of sanctions. The disclosure of such information is likely to promote or facilitate investigation and thus deter or prevent misconduct. The disclosure of information in order to simply advance an irregularity that can be detected is not taken into account under this Policy.

IX. EMERGENCY MECHANISM

The Bank provides informants and potential complainants with an emergency mechanism. The mere existence of this mechanism is itself a deterrent and firmly reminds staff that the institution is committed to the fight against corruption and fraud.

The mechanism includes telephone and fax secured numbers as well as secure email. Managed by the Head of the Bureau of Investigation, the mechanism provides confidential services 24 hours 24 throughout the year services. Disclosures may be made in French or English or the official language of the country where disclosure is made.

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