

Profonampe

# Policy on the Protection of Whistleblowers and Witnesses

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# 1 Introduction

Profonanpe is a private non-profit organization, specialized in the efficient raising and administration of financial resources for the execution of programs and projects that contribute to the conservation of biodiversity and the mitigation and adaptation to climate change.

Given the importance of an effective fight against corruption, having a Policy on the Protection of Whistleblowers and Witnesses is essential to encourage Profonanpe's employees and the public in general not to tolerate any action that violates the ethical principles by which the institution is governed.

In this regard, this Policy proposes a framework to provide protection to any whistleblower and witness who denounces in a timely manner and in good faith to the entity about suspicions of irregular or improper acts or who cooperates with an ongoing investigation.

Finally, it is worth mentioning that the Policy on the Protection of Whistleblowers and Witnesses has been developed taking into account the standards of the Green Climate Fund (GCF) and in accordance with Profonanpe's Code of Ethics.



## Objective

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The purpose of this Policy is to provide guidelines for the protection against retaliation for anyone who denounces instances of irregular or improper conduct, provides information in good faith about irregularities committed by one or more employees, or cooperates as a witness with an audit or investigation (duly authorized).

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## Scope

The application of this policy involves whistleblowers and witnesses who denounce suspected irregularities, as defined in this Policy. These may be collaborators, consultants and suppliers who provide services in and for the institution; as well as Profonanpe's counterparts: donors, executors, implementing partners, among others.

In turn, it should be noted that any person or entity making a false or malicious denunciation is not protected by this Policy and may be subject to sanctions or actions.







## Definitions

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It is important to define the following concepts for the purposes of this Policy:

**Irregular or Improper Act:** Type of conduct that violates the entity's policies or that implies a significant risk for the entity, due to the fact that it is detrimental to its interests, reputation, operations or governance. Such acts include, but are not limited to, misconduct, prohibited practices and conflicts of interest.

**Counterpart:** A person or entity linked to the entity, such as donors, executors, implementing partners, among others.

**Whistleblower:** Any person or entity who -in good faith and on reasonable grounds, denounce, attempts to denounce- is believed to be about to denounce or has denounced any suspected wrongdoing.<sup>1</sup>

**False or Malicious Denunciation:** A false or misleading denunciation made recklessly, knowingly or intentionally, for the purpose of obtaining an arbitrary personal advantage or causing harm to a person or entity.

**Evidence:** Record, document in any form, testimony or other information that can establish the existence (or not) of a statement or fact.

**Witness:** Any person or entity who cooperates in good faith, or who is believed to be about to cooperate, or who has cooperated with an investigation by providing information or evidence.<sup>2</sup>

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<sup>1</sup> Policy on the Protection of Whistleblowers and Witnesses, GCF.

<sup>2</sup> Idem

Prohibited practices: Conduct that includes corrupt, fraudulent, coercive, collusive and obstructive practices, as well as abuse, retaliation against whistleblowers or witnesses, money laundering and financing of terrorism.

Good faith denunciation: The term “good faith” for the purposes of this Policy means acting on the basis of a reasonable belief that the information shared with the entity’s authorities is true.

Retaliation: The term "retaliation" for purposes of this Policy means any threat or action taken against an individual to punish him or her for cooperating in good faith in matters related to wrongdoing as set forth herein.

## **Principles**

Anyone can denounce – anonymously and without any hindrance – suspicions about an alleged irregular act or provide evidence or information regarding an ongoing investigation.

Profonampe will take reasonable and available measures within its capabilities to ensure that the basic rights of whistleblowers and witnesses who have filed a complaint or who have cooperated with an investigation in good faith are respected. As well as the rights of any person involved in a report of wrongdoing.

Profonampe will maintain the confidentiality of the identities of whistleblowers and witnesses, and their close relatives and associates (if requested). This protection will also be provided in the event that the information on the suspected irregularity turns out to be ill-founded, misguided or mistaken.

Reporting suspected wrongdoing does not protect a whistleblower or witness from sanctions arising from his or her own violation. However, depending on the circumstances, the reporting of information and the degree of cooperation will be taken into account in determining the appropriate sanction.

Profonampe will not tolerate retaliation against whistleblowers and witnesses, as this is a prohibited practice.

- Persons subject to this Policy are obliged to refuse to participate in any irregular act.

# Priority axes

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### 6.1. Denunciation and Investigation of Alleged Irregular or Improper Actions

- Any person or entity may file complaints and allegations regarding an alleged irregular or improper act, as defined in this Policy. In addition, any director, officer, manager or other person in a similar position in the entity who receives a good faith denunciation of an alleged irregular or improper act is required to promptly transmit such report to the Compliance Officer. All of the above subject to available protections.

Both the denunciation and the respective information must be sent through the

- mechanisms enabled by Profonanpe, which are detailed in the Manual of the denunciation channel.

Persons or entities that denounce alleged irregular or improper acts should do so in

- good faith and provide as soon as possible any information or evidence to support their allegations, to the extent possible.

To assist in the successful conduct of investigations, denunciations should be as specific

- as possible. The following details should be included as far as possible:
  - Type of alleged irregular or improper act;
  - When, where and how did this alleged act occur; and
  - Who was involved in the matter denounced and may have knowledge of it.

- However, it is worth mentioning that the absence of evidence or information should not prevent the filing of a denunciation or the respective investigation by Profonanpe.

Denunciations of alleged irregular or improper acts and accompanying information or

- evidence may be submitted in any language.

- Denunciations of alleged irregular or improper acts will be dealt with in accordance with the relevant policies and standards. Profonanpe will take denunciations of alleged irregular or improper acts seriously and will thoroughly investigate them in an independent and objective manner.

## 6.2. Denunciation and Investigation of Retaliation

- Any whistleblower or witness who believes that he or she may suffer or has suffered retaliation as a result of having denounced an alleged irregular or improper act or for having cooperated with an investigation, must inform the Compliance and Integrity Officer.
- To file denunciations and conduct retaliation investigations, follow the same rules and guidelines provided in Article 6.1 of this Policy.
- When a person alleges that an action adverse to his or her interest taken by Profonanpe constitutes retaliation, as defined in this Policy, the institution must assume the responsibility of proving with clear and convincing evidence that such action does not constitute retaliation; that is, that the action adverse to that person would have been taken against him or her, even if that person had not reported in good faith an irregular or improper act, as a whistleblower or witness.

## 6.3. Reporting and Cooperation in Investigations

- All persons subject to this Policy have a duty to cooperate (e.g., by providing information, evidence or testimony) as witnesses in investigations of suspected irregular or improper acts. This duty is not subject to the authorization or permission of any director, manager or other authority within the entity. In addition, failure to cooperate by any person subject to this Policy may result in the imposition of disciplinary action.
- Counterparties are required to cooperate fully in any investigation into allegations of prohibited practices in activities related to the entity; and to take all appropriate measures to ensure the full cooperation of the relevant persons and entities subject to such investigation, including allowing Profonanpe to meet with the relevant persons and inspect all relevant accounts, records and other documents and have them audited.
- Profonanpe, through the Compliance and Integrity Officer, may request other persons who are not subject to this Policy or counterparties to cooperate as witnesses in investigations.
- All witnesses to investigations must cooperate in good faith and provide information or evidence they believe to be truthful.



## 6.4. Anonymity and Confidentiality for Whistleblowers and Witnesses

- Any person may file a denunciation of an alleged irregular or improper act anonymously. In addition, whistleblowers or witnesses may request that their identity, the identities of family members or close associates, and specific information that is transmitted during or after an investigation be kept confidential.
- Profonampe will respect requests for confidentiality to the extent possible, depending on the legitimate needs of the corresponding investigation and the extent that due process allows. In the event that, given the due process rights of persons accused of irregular or improper acts, disclosure of the names of whistleblowers or witnesses is required, this shall be made known in advance to such complainants or witnesses.
- The Compliance and Integrity Officer shall have exclusive access to files and records of investigations, as well as the authority to determine whether such files and records may be disclosed to other areas/persons, as necessary and under the obligation to keep them confidential. If the Compliance and Integrity Officer has a conflict of interest in connection with an investigation, he/she may not know any information about the investigation.
- The Compliance and Integrity Officer shall inform the whistleblowers of the results of his/her investigation with respect to the alleged irregular or improper act denounced by them, including the verification of such act and the disciplinary, sanctioning and other measures that have been taken.





## 6.5. Protection and Remedy for Whistleblowers and Witnesses

- Whistleblowers and witnesses subject to this Policy shall, at their request and without delay, be granted interim protection prior to and during the course of an investigation, as necessary, to safeguard their safety and well-being.
- Where there is reasonable concern that a person subject to this Policy who is considered a whistleblower or witness, a close family member(s) of that person, or an associate(s), may suffer, or is suffering, from retaliation associated with the denunciation of an alleged irregular or improper act and which may entail a threat or actual harm to their personal safety and well-being, the Compliance and Integrity Officer will recommend to the Executive Director to take appropriate protective measures.
- Where retaliation against a whistleblower or witness who is a person subject to this Policy has been verified, that person may request and the Compliance and Integrity Officer may recommend to the Chief Executive Officer that the entity implement appropriate remedial or restorative measures. Remedial and restorative measures include termination or cessation of the retaliatory action and, if appropriate, reinstatement to a position, reissuance of a contract, and payment by the entity of an indemnity in a reasonable amount to compensate such complainant or witness for damages suffered. The Executive Director or unit head, as appropriate, shall determine the remedial or restorative measure.
- Where an investigation has verified retaliation against a whistleblower or witness who is a member of the Compliance and Integrity Office, he/she may request remedial action directly from the Executive Director.
- Similarly, the entity will endeavor to ensure that external whistleblowers and witnesses are protected against retaliation by persons subject to this Policy. Persons subject to this Policy who are found to have engaged in retaliation against external whistleblowers and witnesses shall be subject to corrective or disciplinary action or sanctions, as appropriate.

## 6.6. Additional Due Process Guarantees

- Any person or entity involved in a denunciation of an irregular or improper act shall be notified of the denunciation made against him/her within a reasonable period of time, provided that this notification does not impede the progress of the procedure to investigate the alleged irregular or improper act.
- In compliance with due process guarantees, no information about the findings with respect to a person or entity involved in a report of an alleged irregular or improper act will be provided unless that person or entity has had an opportunity to respond to the



denunciation; to examine the evidence supporting the denunciation; and to comment on the final report of the Compliance and Integrity Officer. At the request of the person involved, such comments will be sent to Profonanpe's Executive Director together with the Compliance and Integrity Officer's report on the irregular or improper act.

## 6.7. Communication and Capacity Building

- Profonanpe will proactively communicate this Policy and its respective procedures to the persons subject to it. Ensure that the channels for denouncing alleged irregular or improper acts are made known and available.
- Profonanpe, in order to encourage the effective implementation of this Policy, will design a professional training and capacity building plan on issues related to corruption and the importance of whistleblower and witness protection. Based on this plan, training will be carried out for the entity's personnel.
- Profonanpe will organize events and activities to raise awareness on integrity, corruption and related topics.

# 7 Implementation and Monitoring

The responsibility for the implementation and monitoring of the Policy on the Protection of Whistleblowers and Witnesses falls to the Compliance and Integrity Officer.

In this regard, the Compliance and Integrity Officer shall be responsible for preparing and submitting quarterly reports to the Executive Management regarding the progress and effectiveness of this Policy.



## Dissemination

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Profonanpe will publish this Policy on the institution's website and will disseminate its implementation through its internal channels. This content will also be included in the induction program provided to all employees at the beginning of their employment.

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## Effective Date

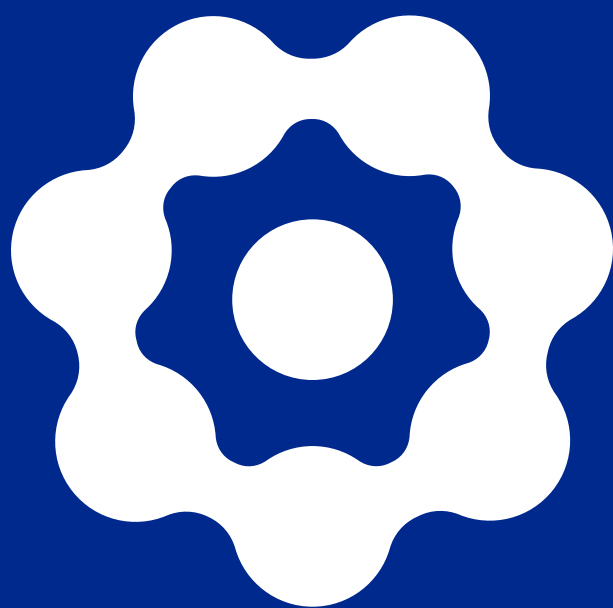
The Policy on the Protection of Whistleblower and Witness will enter into force on the day following its approval by Profonanpe's Executive Directorate.

## Review and Update

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This policy should be reviewed annually by the Compliance and Integrity Officer and whenever there is a significant change in the institution.

Any modification to this policy will be approved by Profonanpe's Board of Directors.



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