

What happens after I apply for protection from retaliation?

The Ethics Office will conduct a preliminary assessment of your complaint to see whether there is a *prima facie* case of retaliation. That means that if, after speaking with you and any witnesses you identify, and any data or evidence you provide, we think that **it is more likely than not** that retaliation has been threatened or retaliatory action taken, we will find a *prima facie* case of retaliation and refer the matter to the Office of Audit and Investigation (OAI) for an investigation. OAI has 120 days within which to complete its investigation and issue its findings in an Investigation Report. During the time after you have filed your Request for Protection until the issuance of a final determination by the Director of the Ethics Office, the Director may request that interim protective measures be put in place to ensure that no alleged or threatened retaliatory action is implemented.

If the matter has been referred to OAI for an investigation, any interim protective measures remain in place. Upon receiving the Investigation report, the Director of the Ethics Office will make an independent determination of whether retaliation has taken place. If your claim of actual or threatened retaliation is supported, the Director can recommend a permanent solution to protect you from retaliation.

What will happen to the person who has retaliated?

If there is a determination of retaliation, the Ethics Office will refer the matter to the Legal Office for consideration of disciplinary action under the [UNDP Legal Framework for Addressing Non-Compliance with UN Standards of Conduct](#).

Reference Documents for Protection Against Retaliation

- [UNDP Policy on Protection against Retaliation](#)
- [Protection Against Retaliation form](#)
- [UNDP Ethics Office Confidentiality Policy](#)
- [UNDP Legal Framework for Addressing Non-Compliance with UN Standards of Conduct](#)
- [Code of Ethics FR SP](#)

ETHICS OFFICE

PROTECTION AGAINST RETALIATION



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***This brochure is intended as a general guide.
For more information, please contact the Ethics
Office.***

UNDP Ethics Office

One United Nations Plaza
(DC-1, 23rd Floor) New York, NY
10017 USA

Email: ethicsoffice@undp.org

Phone: +1-212-909-7840

Fax: +1-212-906-6153

Intranet: [Ethics Intranet site](#)



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August 2018



PROTECTION AGAINST RETALIATION

for Reporting Misconduct or Cooperating with an Audit or Investigation

All UNDP staff, contractors, interns and volunteers should feel comfortable to report good faith allegations of wrongdoing in the Organization, and to cooperate with duly authorized audits and investigations. UNDP's Policy for Protection against Retaliation serves to protect you from any detrimental action for speaking up about wrongdoing.



What is retaliation?

Retaliation means that you have suffered, or are threatened with detrimental action (e.g., someone takes negative action against you, or punishes you, or threatens to do so), for a **good faith report of wrongdoing** or cooperating with an audit or investigation. For example, if you report wrongdoing on the part of your supervisor and for that reason you are terminated or receive an unjustified performance evaluation, the actions of your supervisor may be considered retaliatory. You are entitled to protection from retaliation, also called “whistleblower protection”.

It is also important to understand what is not considered retaliation. Here are some examples:

- Action threatened or taken against an individual which is not related to the individual's report of misconduct or participation in an audit or investigation.
- The legitimate application of regulations, rules or administrative policies, issuances or procedures, or the mere expression of disagreement, admonishment, criticism or a similar expression regarding work performance, conduct or related issues within a supervisory or similar relationship.

What is my duty to report misconduct and cooperate with audits and investigations?

You are expected to report, in good faith, or “blow the whistle”, if you have a reasonable belief that wrongdoing has or is likely to occur. Wrongdoing means that someone in UNDP has breached (or is threatening to breach) any of the regulations, rules, policies, or ethical standards applicable to UNDP and its personnel. Similarly, you are obligated to report if an external party, be it a person, vendor, beneficiary, NGO or government is defrauding or attempting to defraud UNDP.

You are also expected to cooperate with all duly authorized UNDP audits and investigations. This means that you cannot refuse to cooperate based on any fear that there may be negative consequences associated with your cooperation, or any desire to avoid becoming “involved” in an audit or investigation.

For further details on how to report wrongdoing, see the [Investigations page on the OAI intranet site.](#)

Who may seek protection against retaliation?

All UNDP staff members, contractors, volunteers and interns may seek protection against retaliation. However, In cases involving an individual who is not a staff member of UNDP (e.g., contractor) remedies may be limited to those available in that person's particular contractual arrangement with UNDP. The remedies available for protection depend on the type of contract of the individual seeking protection.

How do I request protection against retaliation?

If you believe that another person in UNDP has taken, or is threatening to take, retaliatory action against you because of your good faith report of wrongdoing, or your cooperation with an audit or investigation, you may submit a request for protection to the Ethics Office on the required form available on the [Ethics Intranet](#). Include all supporting documentation and evidence you may have, and provide the names of individuals who may be able to support your allegation.

How much time do I have to report retaliation?

Generally, in order to qualify for protection under the policy, the Protected Activity must have taken place within two (2) years prior to your request for protection and your request must be submitted no more than 6 months after the most recent act or threat of retaliation.