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Article I: PURPOSE

1.1 This Whistleblowing Policy (the “Policy”) sets out the Bank Group’s commitment to strengthen its system of integrity and support for Protected Activities, and in particular to eradicate Sanctionable Practices and Misconduct in Bank-financed operations and activities as well as within the Bank itself.

1.2 The Policy sets out the rights and responsibilities of Bank Personnel, Boards Officials, External Parties and Witnesses with respect to Reporting alleged Sanctionable Practices or Misconduct; establishes the Office of Integrity and Anti-Corruption (the “Office of Integrity”) as custodian of this Policy; provides guidance on Reporting channels; prohibits retaliation; and outlines the procedures for seeking and obtaining interim and final protection measures.

Article II: DEFINITIONS

2.1 The expressions used in this Policy shall have the following meanings:

“Bank” or “Bank Group” for the purposes of this Policy means both the African Development Bank and the African Development Fund.

“Bank Group-financed Activity(ies)” means any operation for which the Bank Group whether acting on its own account or in the capacity of an administrator of special resources (i.e. resources from trust funds, special funds, facilities, etc.), has provided financing or support in any form (i.e. loan, equity, line of credit, guarantee or grant) and which is governed by the Bank Group’s Procurement Framework. It shall also include all internal corporate procurement for goods, works, consulting and non-consulting services, financed from the administrative or capital expenditure budget of the Bank Group.

“Bank Personnel” includes staff members, short-term staff, and consultants employed by the Bank, or appointed by the President pursuant to the provisions of the applicable Staff Regulations and the Staff Rules.

“Boards Official(s)” means the President of the Bank and Executive Directors, their Alternates or Temporary Alternates, Senior Advisers and Advisers to Executive Directors.

“Conflict(s) of interest” is any situation in which a party has interests that could improperly influence that party’s performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws and regulations.

“Credibility” or the term “Credible” with regards to an allegation, is the assessment to determine whether there is a reasonable possibility that a Sanctionable Practice or Misconduct has occurred.

“Evidence” means any physical object, record, documentation of any form, testimony, or other information, that tends to establish the existence or non-existence of an allegation or fact.

1 The Procurement Framework, adopted by the Bank Group in October 2015, includes: (i) the Procurement Policy for Bank Group Funded Operations dated October 2015 and effective January 1, 2016; (ii) the Methodology for Implementation of the Procurement Policy of the African Development Bank; (iii) the Operations Procurement Manual for the African Development Bank; and (iv) the Procurement Toolkit for the African Development Bank; as supplemented, amended or replaced from time to time.
“External Party/Parties” is any person or entity not covered by the definition of Bank Personnel or Boards Official and includes, but is not limited to: vendors, development partners, stakeholders of the Bank Group, former Bank Personnel, contractors, consultants, government officials, officials in executing agencies or implementation units, professional bodies and non-governmental organizations or officials in other international financial institutions, and members of the public.

“Family” shall mean father, mother, spouse, daughter, son, brother or sister of a Bank Personnel or Boards Official.

“Good Faith” means not made with knowledge that the allegation is false, or with reckless disregard as to whether it is true or false.

“Investigation(s)” is a process or processes designed to gather and analyze information in order to determine whether an act of Sanctionable Practice, or Misconduct has occurred and if so, the party or parties responsible for its commission or omission.

“Materiality” or the term “Material” refers to the assessment to determine whether an allegation is of sufficient weight or importance to justify the projected requirements of an Investigation and any consequential remedial action.

“Misconduct” is the intentional, reckless or negligent failure by a Bank Personnel or Boards Official to observe, as applicable, the Staff Regulations, Staff Rules, Code of Ethics, Code of Conduct for Boards Officials, relevant laws of a member country of the Bank Group, or to perform duly assigned duties or responsibilities; or engaging in a conduct, action or omission within or outside the Bank, that risks discrediting the Bank Group, bringing the Bank Group into disrepute, or that could undermine the integrity of any of the Bank Group’s policies, processes or procedures.

“Protected Activity(i(es))” means:

(a) making a Report in Good Faith, via a Reporting channel as set out in this Policy of an alleged:
   i. Misconduct;
   ii. Sanctionable Practice;

(b) assisting the Office of Integrity and Anti-Corruption or the Ethics Committee of the Boards of Directors as may be requested in the performance of their respective duties;

(c) assisting in an audit, inspection or Investigation;

(d) participating in any capacity in relation to internal Bank Group disciplinary and/or dispute resolution rules, procedures or process, including as a reporting person, complainant, Witness or adviser accompanying and/or assisting Bank Personnel or a Boards Official; or

(e) seeking redress with respect to an administrative decision under the applicable internal Bank Group procedures including with respect to the Administrative Tribunal.
“Report” or “Reporting” is an allegation or concern of a Sanctionable Practice or Misconduct, communicated directly to the Office of Integrity and Anti-Corruption or through any other mechanisms of the Bank as defined in Section 4.4.

“Retaliation” is any act of discrimination, reprisal, harassment, or vengeance, direct or indirect, recommended, threatened or taken against a Witness or a Whistleblower or any individual misidentified as a Whistleblower by any individual because the Whistleblower has made, is about to make, or the misidentified person is presumed to have made a Report pursuant to this Policy; or in the case of a Witness, is about to provide information in relation to a Protected Activity. Retaliation may include, but is not limited to, harassment, discriminatory treatment, inappropriate performance reviews, salary freeze or adjustment, demotion, termination of employment, withholding approval for reasonable professional activities, withholding approval of a leave request or exclusion from official meetings.

“Sanctionable Practice(s)” means any practice by an entity or individual that is corrupt, fraudulent, improperly collusive, coercive or obstructive, and carried out in connection with a Bank Group-financed Activity or an Investigation, audit or sanctions proceeding.

The other terms referred to in the preceding paragraph are defined below as follows:

(a) A “corrupt practice” is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to improperly influence the actions of another party.

(b) A “fraudulent practice” is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.

(c) A “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including improperly influencing the actions of another party.

(d) A “coercive practice” is directly or indirectly impairing or harming, or threatening to impair or harm any party or the property of that party in order to improperly influence the actions of such a party.

(e) “Obstructive Practice” means:
   i. Deliberately causing directly or indirectly, or otherwise enabling the destruction, falsification, alteration, or concealment of Evidence material to an Investigation, or making false statements to an investigator in order to impede a Bank Investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to an Investigation or from pursuing an Investigation, or
   ii. Acts intended to materially impede the exercise of the Bank’s inspection and audit rights.

The Bank may, pursuant to its rules and policies, amend or otherwise modify the range of acts or omissions which are defined above to constitute Sanctionable Practices.

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2 The amendment or modification can be undertaken in another text of the Bank such as the Procurement Policy, the Sanctions Procedures, the General Conditions applicable to Bank Group’s financing agreements or any other relevant text. In that case, the most recent text shall apply.
“Subject of an Investigation” means any External Party including individual or entity, or member of the Bank Personnel or Boards Official who is the subject of an allegation of Sanctionable Practice(s) and/or Misconduct.

“Verifiability” or the term “Verifiable” refers to the availability of practical options to obtain sufficient Evidence leading to the establishment of allegations made, on a balance of probabilities.

“Whistleblower(s)” is any individual(s) who, or entity or entities, which voluntarily engage(s) in a Protected Activity in Good Faith. This includes an individual or entity demonstrated to be about to engage in a Protected Activity. Such individuals or entities, without limitation, include Bank Personnel, Boards Officials and External Parties.

“Witness(es)” means a person or persons who is neither a Whistleblower nor the Subject of an Investigation but who is or are requested by the Bank to provide information regarding a matter under Investigation.

Article III: LEGAL BASIS

3.1 The Bank Group’s Policy on Good Governance\(^3\) stresses the need to identify, Report, and prevent all forms of mismanagement of Bank Group funds.

3.2 The Bank’s Staff Code of Ethics\(^4\) (the “Code of Ethics”), the Code of Conduct for Boards Officials (the “Code of Conduct”), the Staff Regulations and the Staff Rules\(^5\), reinforce respect for the Bank Group’s values (“Core Values”) and require Bank Personnel and Boards Officials to demonstrate commitment, integrity, honesty and loyalty in the discharge of their official functions and private affairs.

\(^3\) Bank Group’s Policy on Good Governance adopted in 1999.


\(^5\) Staff Regulations and Staff Rules of the African Development Bank.
Article IV: SCOPE AND REPORTING PROCEDURES

4.1 Applicability

4.1.1 This Policy applies to:

(a) Bank Personnel;

(b) Boards Officials; and

(c) External Parties, irrespective of their location of work or delivery of services, regarding actions taken in relation to a Misconduct or Sanctionable Practice.

4.1.2 Without prejudice to all other channels that receive Reports within the Bank Group, the Reporting channels provided under this Policy shall only be used where Bank Personnel, Boards Officials or External Parties Reporting Sanctionable Practices or Misconduct, experience or fear Retaliation as a result of their Reports, or are providing information as Witnesses and intend to apply for protection or other remedies.

4.2 Reporting Obligations

4.2.1 Bank Personnel, Boards Officials, Whistleblowers and/or External Parties who become aware of, or receive information regarding, alleged Sanctionable Practices or Misconduct including in Bank Group-financed Activities, and have a reasonable belief that such information is true or likely to be true, are required to report the matter through one of the Reporting channels set out in Section 4.4 below. As part of the obligation to report the following shall apply:

(a) Bank Personnel and Boards Officials are duty bound to disclose promptly in any alleged fraud or corruption that comes to their attention, but in any event not later than seven (7) days, after becoming aware of the alleged fraud or corruption. Violation of this duty may be subject to disciplinary action.

(b) Disciplinary action shall be taken against Bank Personnel who knowingly prevent the disclosure of, or cover up, any act of Sanctionable Practice or Misconduct;

(c) As a matter of general deterrence, the Bank may inform Bank Personnel of the penalty imposed, and any disciplinary measure taken against a Manager or any other Bank Personnel for Misconduct arising from Retaliation against a Whistleblower;

(d) The Office of Integrity shall inform a Whistleblower at the conclusion of an Investigation as to whether corrective or remedial actions have been taken or not;

(e) Whistleblowers shall have an opportunity to review in advance any communication that would lead to revealing their identity;

(f) Cases of Retaliation that are committed in violation of this Policy may be published by the Director of the Office of Integrity and made available on the Bank’s website, while respecting the privacy of the parties concerned.
4.3 Advice for Whistleblowers

4.3.1 Any Bank Personnel who may be unsure whether or not to submit a Report and wishes to seek advice on the factual nature of the matter or to understand available protections is free to seek advice and assistance from the Office of Integrity through any of its help lines or dedicated e-mail addresses. All communications with the Office of Integrity will be handled confidentially in accordance with the provisions of Article 9 below.

4.3.2 Bank Personnel may also contact the following resources for confidential advice with respect to their rights and responsibilities under this Policy:

(a) Chairperson of the Staff Council; and

(b) the Ethics Office.

4.4 Reporting Channels

4.4.1 Bank Personnel, Boards Officials, External Parties, Whistleblowers and Witnesses shall have access to the Bank’s Reporting channels. These include secure telephone lines, postal address and e-mail addresses.

4.4.2 The following channels shall be operated by the Office of Integrity and/or outsourced and shall entail confidential services including provision for anonymous Reporting that enable a secure mode of communication with the Reporting person, available 24 hours a day and 365 days a year. Whistleblowing Reports may be made in English or French.

Secure email: investigations@iacd-afdb.org; integrity@afdb.org

Hotline (24/7): +1 (770) 776-5658 / Telephone: +225 27 20 32 01 49

Mail correspondence:

African Development Bank
Office of Integrity and Anti-Corruption (PIAC)
Immeuble du Centre de Commerce International d’Abidjan - CCIA
Avenue Jean-Paul II
01 BP 1387
Abidjan 01, Côte d’Ivoire

Report Form through the Bank website:

4.4.3 If a Bank Personnel, Boards Official, Whistleblower, or External Party considers they are unable or unwilling to make a Report to the Office of Integrity through the aforementioned channels, they may report to any of the following channels: (i) the Auditor General; (ii) the Bank’s senior-most official in charge of Human Resources; (iii) the President or any other member of the Board of the Executive Directors; or (iv) the Chair of the Ethics Committee, in cases of violation of the Code of Conduct. Upon receipt of a Report, but no later than twenty-four (24) hours from receipt of any such Report, any of the persons mentioned above shall refer the matter to the Director of the Office of Integrity to be dealt with in accordance with the Code of Ethics and or other applicable policies and procedures, with the exception of the following:
(a) If the subject of the allegation(s) is Bank Personnel employed in the Office of Integrity (other than the Director of the Office of Integrity), the matter should be dealt with by the Bank’s senior-most official in charge of Human Resources. The Bank’s senior-most official in charge of Human Resources shall appoint an officer, team, or entity to exercise the authority of, and carry out any preliminary evaluation and if appropriate, an Investigation and other responsibilities normally undertaken by the Office of Integrity.

(b) If the subject of the allegation(s) is the Director of the Office of Integrity, the recipient of the Report shall promptly, but no later than twenty-four (24) hours from the receipt of any such Report, refer the matter to the Auditor General, to be addressed in accordance with the Code of Ethics without the need to involve the Director of the Office of Integrity. The Auditor General shall exercise the authority of, and carry out any preliminary evaluation and if appropriate, an Investigation and other responsibilities normally undertaken by the Office of Integrity.

4.4.4 All Reports received by the Bank should be reviewed and dealt with in accordance with applicable policies and procedures.

4.5 Referrals to other Bank Departments

4.5.1 If the Director of the Office of Integrity determines that the Report is neither an alleged Misconduct nor Sanctionable Practice, then the Director of the Office of Integrity may refer the matter to any relevant Bank department(s) for their review and, if appropriate, further action. In making such a referral the Director of the Office of Integrity shall, to the extent reasonably necessary and possible, and consistent with the provisions set out in Section 4.9 below, protect the identity of the person making the Report.

4.5.2 A Report by an External party relating to non-compliance with the Bank Group’s safeguards policies and procedures shall be referred to the Bank Group’s Independent Recourse Mechanism (IRM). The IRM and the Office of Integrity will develop and maintain a joint protocol for the handling of cases of Retaliation by External Parties which aligns with the provisions of this Policy while recognizing the specific mandates of the IRM and the Office of Integrity.

4.5.3 The Ombudsperson, Human Resources Department and other mechanisms established by the Bank Group should be used for matters raised by Bank Personnel associated with unsatisfactory probation reports, performance evaluations, discriminatory work assignments, unequal employment opportunities or other personal grievances involving the Reporting person. However, where the Whistleblower or Witness believes that any probation reports, performance evaluations, work assignments and opportunities or any form of harassment are used by management in a retaliatory manner for unrelated allegations made by the Whistleblower or Witness, the provisions of this Policy shall apply.
4.6 Reporting Procedures

4.6.1 Upon receipt of an allegation of a Sanctionable Practice or Misconduct from a Whistleblower or a Witness, the Office of Integrity shall register the allegation; and where the identity of the Whistleblower is known, acknowledge receipt. All allegations received from Bank Personnel or from External Parties, whether through the Office of Integrity Reporting facilities or through other channels provided for in this Policy, shall be registered and screened by the Office of Integrity.

4.6.2 Once registered, the allegation will be evaluated by the Office of Integrity to determine its Credibility, Materiality and Verifiability; i.e. the allegation will be evaluated to determine whether there is sufficient evidence to warrant an Investigation.

4.6.3 The Office of Integrity shall inform Whistleblowers making a Report by official correspondence within forty-five (45) working days, indicating to the extent possible whether or not the Report warrants an Investigation, subject to considerations including the nature of the matter, rights of other parties and issues of confidentiality.

4.6.4 Where the preliminary evaluation reveals Credible, Material and Verifiable information that supports the existence of conditions identified by this Policy, the Office of Integrity shall conduct a full Investigation.

4.7 Fair Process

4.7.1 The presumption of innocence shall apply to the subject of an Investigation or party against whom an allegation is made throughout the handling of the matter. The guiding principles of due process shall be observed.

4.7.2 Subjects of an Investigation shall be informed of the allegations made against them in accordance with applicable standards and guidelines as set out immediately below:

4.7.3 Bank Personnel will be informed in accordance with applicable Staff Rules and any other relevant internal policies/guidelines. Where the subjects are Bank Personnel, they shall, in addition, be provided with a copy of the Staff Bill of Rights and Obligations when under Investigation by the Office of Integrity.

4.7.4 Boards Officials will be informed in accordance with the Code of Conduct for Boards Officials.

4.7.5 In the case of External Parties, the Director of the Office of Integrity shall determine the appropriate time and means of communicating the allegation(s) to the subject of the Investigation.

4.8 Voluntary Disclosure

4.8.1 Bank Personnel and Boards Officials who have engaged in Sanctionable Practices or Misconduct, and External parties participating in Bank Group-financed Activities who have engaged in Sanctionable Practices, are encouraged to volunteer information of which they have knowledge or to which they are privy or have become privy, to the Director of the Office of Integrity.

4.8.2 Voluntary disclosure shall be considered as a mitigating factor in the determination of sanctions.
4.9 Anonymity and Confidentiality

4.9.1 A Bank Personnel, Boards Official or External Party may choose to report an alleged Misconduct or Sanctionable Practice to the Bank anonymously. The Bank’s secure Reporting tool in Section 4.4 shall accordingly provide for this option. However, noting that anonymous Reporting may in some instances impede or delay an Investigation, Whistleblowers are encouraged to Report confidentially.

4.9.2 In the event that a Whistleblower reports anonymously and is subsequently identified and suffers Retaliation, he/she will be entitled to request interim relief and final protection measures in accordance with the relevant sections in this Policy, and subject to the Report having been made in Good Faith and Reported internally in accordance with Section 4.2, and externally in accordance with Section 4.11 of this Policy.

4.9.3 The Bank shall make every reasonable effort to protect Whistleblowers’ and Witnesses’ identities. Whistleblowers and Witnesses shall be adequately assured that the information given by them will be treated in a confidential manner and that they will be protected against Retaliation.

4.9.4 At the beginning of an Investigation, a Whistleblower must be informed of the possible conditions that may necessitate disclosure of their identity. The Bank will maintain as confidential, Whistleblowers’ identities unless:

(a) the Whistleblower agrees to be identified;

(b) there appears to be a risk of imminent danger or serious harm to individuals, or the Bank Group and disclosure could prevent such a danger or harm;

(c) identification is necessary to allow the Bank or the appropriate law enforcement officials to investigate or respond effectively to the allegation;

(d) identification is required by law or under the Bank’s rules and regulations; or

(e) the individual against whom the allegation has been made is entitled to the information as a matter of legal right under the Bank’s rules and regulations.

4.9.5 In any of the instances described above, the Bank shall inform the Whistleblower prior to revealing his or her identity.

4.9.6 Where an Investigation by the Office of Integrity concludes that the identity of a Whistleblower has been revealed without authorization, the Director of the Office of Integrity shall recommend to the Bank’s senior-most official in charge of Human Resources, the President\(^6\) or the Ethics Committee\(^7\), as applicable, that appropriate disciplinary measures be instituted if a Bank Personnel or Boards Official is found to have been involved in the unauthorized revelation. Where a consultant or short-term staff is found to have participated in the unauthorized revelation, this shall constitute a breach of confidentiality and a ground for termination of the service contract in addition to any other recourse available to the Bank.

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\(^6\) In accordance with Section 5.2.3 (b).
\(^7\) Where a Boards Official is involved.
4.10 Cooperation with National Authorities

4.10.1 The President may direct the appropriate Bank organizational unit to cooperate with a national authority when there is a concern about a possible violation of a national law, or when otherwise determined by the Bank to be necessary to uphold the principles of this Policy.

4.11 External Reporting

4.11.1 Bank Personnel and Boards Officials shall exhaust all the procedures set out in this Policy and other Bank Group policies before Reporting an alleged Sanctionable Practice or Misconduct to any external party. Such external Reporting shall constitute Misconduct, except where they can show that:

(a) they had a reasonable basis to believe that such external Reporting was necessary in order to avoid:
   i. a significant threat to public health or safety;
   ii. a substantial damage to the Bank’s operations; or
   iii. a violation of national law; and

(b) the Bank’s internal mechanisms are inadequate because:
   i. the Whistleblower had previously reported the same information through the Bank’s established internal mechanisms (other than anonymously); and
   ii. the Bank failed to report on the status of the Investigation by official correspondence within forty-five (45) working days including to the extent possible whether or not the Report warrants an Investigation; and

(c) the Whistleblower has not accepted payment or any other benefit from any party, for such disclosure.

4.12 Standard of Proof

4.12.1 The threshold of evidence or measure of proof used to determine whether a Report can be substantiated (often referred to as the “Standard of proof”), is defined for the purposes of the Bank Group’s Investigations as information, that taken as a whole, establishes the occurrence of a Sanctionable Practice or Misconduct on a balance of probabilities, which means “more likely than not”. This standard would be met if there is a rational basis from the Evidence for a reasonable and prudent person to conclude that it is more likely than not that Sanctionable Practice(s) and/or Misconduct occurred.
Article V: RETALIATION: RELATED MEASURES & PROCEDURES

5.1 Retaliation

5.1.1 Retaliation by any Bank Personnel or Boards Official against any Whistleblower or Witness is strictly prohibited and shall constitute Misconduct. Retaliation by External parties may constitute an Obstructive Practice, in accordance with the definition herein of an Obstructive Practice.

5.1.2 Bank Personnel, Boards Officials and External Parties must not commit an act of Retaliation against a Whistleblower, or any other Reporting person that submits, or has the intention to submit a Report of an alleged Misconduct or Sanctionable Practice.

5.1.3 Any Whistleblower or Witness who believes that they have been subjected to Retaliation may report it through one of the Reporting channels specified in Section 4.4 above.

5.1.4 Reports of alleged Retaliation will be investigated and, where warranted, sanctioned in accordance with the relevant policies/code(s) and/or contractual instrument(s) as applicable.

Reports made in Good Faith

5.1.5 Where it turns out that there is no substance to a whistleblowing Report, the Director of the Office of Integrity shall take all available measures to prevent the complainant from suffering any Retaliation, unless the Director of the Office of Integrity determines that clear and convincing evidence demonstrates a lack of Good Faith, such determination to be made in consultation with:

(a) the Ethics Director, for a Report alleging Misconduct or a Sanctionable Practice by Bank Personnel, or

(b) the Ethics Committee, for a Report alleging Misconduct or a Sanctionable Practice by a Boards Official. When established, Retaliation for a Report made in Good Faith shall in itself constitute Misconduct. Bank Personnel or Boards Officials making allegations not in Good Faith may be subject to disciplinary action in accordance with Bank regulations and rules.

5.2 Interim Protection Against Retaliation

Procedures for Interim Relief for Bank Personnel

5.2.1 Upon receipt of a report alleging that Retaliation has occurred or is likely to occur, Bank Personnel may, by contacting the Director of the Office of Integrity request the provision of interim protection measures. The Director of the Office of Integrity, the President, or the Bank’s most senior official in charge of Human resources (as applicable under this Article) shall deal with such requests in a reasonably expedient manner and may, as provided in this Article, also decide to provide interim relief to protect the Whistleblower or Witness on their own initiative.
5.2.2 The Director of the Office of Integrity, when considering whether to provide interim protection measures, shall consult with the Bank’s senior-most official in charge of Human Resources to clarify the underlying facts in order to decide whether to provide interim protection measures or not.

5.2.3 Notwithstanding the above, where a Whistleblower or Witness who is a Bank Personnel requests interim relief on the belief that an act of Retaliation has been, or is likely to be, committed by either the President or the Bank’s senior-most official in charge of Human Resources or the Director of the Office of Integrity, the procedures below shall apply:

(a) In the case of the President: the Director of the Office of Integrity shall decide regarding the provisions of interim relief and shall request and obtain from the Bank’s senior-most official in charge of Human Resources to provide interim relief. The Director of the Office of Integrity shall further inform the Chair of the Ethics Committee of the Boards of Directors (ECBD) as set out below.

(b) In the case of the Bank’s senior-most official in charge of Human Resources: the Director of the Office of Integrity shall bring any such allegation without delay to the President, who shall decide regarding the provision of interim relief.

(c) In the case of the Director of the Office of Integrity, a Whistleblower or a Witness who is a Bank Personnel and who alleges that an act of Retaliation has been or is likely to be committed by the Director of the Office of Integrity shall report directly to the Bank’s senior-most official in charge of Human Resources without the need to report to the Director of the Office of Integrity. The Bank’s senior-most official in charge of Human Resources may provide appropriate interim relief to the relevant Bank Personnel or Witness.

5.2.4 A Whistleblower or a Witness who is a Bank Personnel who wishes to raise an allegation of Retaliation by a Boards Official may submit it as an allegation of Misconduct directly to the ECBD, without first or simultaneously providing it to any other Bank Reporting channel. Where the Office of Integrity receives an allegation that Retaliation is caused or threatened by a Boards Official, the Director of the Office of Integrity shall forward the allegation in writing to the ECBD in accordance with the Code of Conduct for Boards Officials.

5.2.5 The standard to be applied by the Director of the Office of Integrity, Bank’s senior-most official in charge of Human Resources or the President, as applicable, when assessing an interim relief request shall be:

(a) a Whistleblower or Witness has raised a presumption of fact that Retaliation has occurred or is about to occur by showing that they have a reasonable belief that having acted as a Whistleblower, or Witness was a contributing factor in an adverse action or inaction against them; and

(b) interim relief would be reasonable and appropriate to mitigate the possibility of Retaliation and/or the consequences of Retaliation.

5.2.6 A decision whether or not to provide interim relief to a Bank Personnel shall only be taken following discussion(s) with the individual concerned. The Director of the Office of Integrity, the Bank’s senior-most official in charge of Human Resources
or the President, as applicable, shall inform the requesting Bank Personnel in writing of such decision, including a brief statement of reasons for the decision, and where relevant the nature and duration of the interim relief measures to be granted.

**Procedures for Interim Relief for Board Officials**

5.2.7 Any Boards Official who has reported or is about to Report Misconduct or Sanctionable Practices and feels or experiences Retaliation may request interim relief measures from the Ethics Committee at its discretion.

**Scope of Interim Relief Measures**

5.2.8 The Director of the Office of Integrity, after considering the facts and circumstances, may decide\(^8\) or recommend to the Bank’s senior-most official in charge of Human Resources or to the President\(^9\), as applicable, measures which may be taken to mitigate any reasonable concern of Retaliation for a Whistleblower or Witness who is a Bank Personnel. These measures may include, but are not limited to:

(a) any measures necessary to secure the safety and security of a Whistleblower or Witness who is a Bank Personnel and his or her Family;

(b) the suspension of the effect of the actions or omissions alleged to be retaliatory;

(c) the reassignment of the Whistleblower or Witness;

(d) authorization of special leave as provided under the Staff Regulations and the Staff Rules;

(e) any other action deemed appropriate to mitigate the possibility of Retaliation and its consequences.

5.2.9 After considering the recommendation, if any, by the Director of the Office of Integrity, the Bank’s senior-most official in charge of Human Resources or the President\(^10\), as applicable, shall determine the measures to be taken and shall inform the requesting Bank Personnel in writing. Any changes to the interim relief measures or their duration shall be subject to consultation with the affected individual prior to any such changes being implemented.

5.2.10 The implementation of any interim relief measures shall be carried out by the Human Resources department and any other concerned department.

5.2.11 All Bank Personnel and Boards Officials have a duty to cooperate with, and implement, any decision(s) or action(s) regarding the provision of interim relief.

5.2.12 The interim relief, as well as actions to protect and determine the rights of the Whistleblowers and Witnesses shall be separate processes from the Investigation of the allegation of any act of Retaliation.

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\(^8\) In accordance with Section 5.2.3 (b).

\(^9\) In accordance with Section 5.2.3 (b).

\(^10\) In accordance with Section 5.2.3 (b).
Persons Responsible for Interim Relief Measures

5.2.13 Where a Bank Personnel can show Evidence that prior to the alleged Retaliation, they were:

(a) a Whistleblower; or

(b) mistakenly identified as a Whistleblower; or

(c) suspected of Reporting a Sanctionable Practice or Misconduct to the Office of Integrity, or

(d) in the process or had the intention of Reporting a Sanctionable Practice or Misconduct to the Office of Integrity, or through any other Reporting mechanism as provided under this Policy.

The Director of the Office of Integrity shall decide or make such recommendations to the Bank’s senior-most official in charge of Human Resources or the President, as applicable, for protection or interim relief as necessary, pending a full Investigation, following which the Director of the Office of Integrity shall recommend to the Bank’s senior-most official in charge of Human Resources or to the President, as applicable, substantive relief for the Whistleblower or Witness.

5.2.14 Where a Bank Personnel can show Evidence that prior to the alleged Retaliation, they had reported or were in the process of Reporting a Sanctionable Practice or any Misconduct to the Office of Integrity, or to any other Reporting mechanism as provided under this Policy, such Whistleblower shall be deemed to have satisfied the applicable burden of proof, which is minimal. The burden of proof shall then shift to the Bank to prove by clear and convincing Evidence that the action taken by the Bank against such Whistleblower was for separate and legitimate reasons, and not in Retaliation for the Report made or believed to have been made by the Whistleblower.

5.2.15 A Witness who is a Bank Personnel and who is engaging in, or is about to engage in a Protected Activity (see Section 2.1, Definition of Protected Activity sub-paragraphs b), c) and d)), and can show Evidence that they have experienced Retaliation, such Witness shall be deemed to have satisfied the applicable burden of proof, which is minimal. The burden of proof shall then shift to the Bank to prove by clear and convincing Evidence that the action taken by the Bank against such a Witness was for separate and legitimate reasons, and not in Retaliation for the assistance or participation provided in any capacity by the Witness.

5.3 Final Protection Measures against Retaliation

5.3.1 Where it is established that Retaliation has taken place, the Bank’s senior-most official in charge of Human Resources, Director of the Office of Integrity or the President, as applicable, shall apply final protection measures that are reasonable and appropriate to mitigate the consequences of such Retaliation. The aforementioned persons shall apply such final measures taking into account the facts and the best interests of the Whistleblower or Witness in order to mitigate and where possible eliminate the consequences of such Retaliation, and thereafter the interests of the Bank.

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11 In accordance with Section 5.2.3 (a).
12 In accordance with Section 5.2.3 (b).
13 In accordance with Section 5.2.3 (b).
5.3.2 All Bank Personnel and Boards Officials have a duty to cooperate with, and implement, any decision(s) or action(s) regarding the implementation of the final protection measures to mitigate and where possible to eliminate the consequences of such Retaliation.

5.4 Retaliation involving External Parties

5.4.1 The protection given by the Bank to External Parties shall be limited to the capability of the Bank. Any Retaliation against contractors or their employees, agents or representatives by Bank Personnel or a Boards Official connected to a Report made by such contractor, employee of a contractor, agent or representative under this Policy shall be treated as Misconduct and any Bank Personnel or Boards Official implicated shall be subjected to disciplinary action or other available remedies.

5.4.2 In the event that Retaliation is undertaken by a contractor of the Bank against a Whistleblower or a Witness, the contract in question shall become subject to immediate review and possible termination in addition to the possibility of other sanctions being imposed.

5.4.3 The referral of concerns regarding the likelihood of Retaliation against External Parties or allegations of Retaliation by External Parties to national authorities, where:

   (a) a government official or State agent;

   (b) a public enterprise, agency or institution; or

   (c) a public sector executing agency or implementation unit; including their representatives or employees,

is alleged to be complicit, requires prior approval by the President.

5.4.4 A decision whether or not to provide interim relief to an External Party shall be taken following discussion(s) with the individual (or entity) concerned, where possible. In all cases, the External Party shall be informed in writing of this decision by the Director of the Office of Integrity with a brief statement of reasons for the decision, and where relevant the nature and duration of the interim relief measures to be granted.

5.4.5 The Bank shall include clauses in contracts with External Parties to encourage External Parties to provide protective measures to Whistleblowers and Witnesses and to sanction individuals or entities who engage in retaliatory measures against Whistleblowers and Witnesses.

5.5 Remedies

5.5.1 Remedies available to a Whistleblower or Witness who is a Bank Personnel against whom there has been Retaliation requires approval by the President, in consultation with the Bank’s senior-most official in charge of Human Resources, except in a case where the Retaliation involves the President, in which case, the Code of Conduct for Boards Officials applies. Remedies shall be based on the findings and recommendations of the Director of the Office of Integrity, and may include, but not be limited to, any of the following:

   (a) Reinstatement to the same or comparable position in salary, responsibility, opportunity for advancement and job security;
(b) Back benefits and pay, with consideration of likely advancement and salary increases that a staff member would have received;

(c) Compensatory damages, including for financial losses linked to the retaliatory action by the Bank and compensation for any physical distress suffered and related medical costs;

(d) Dispute resolution expenses, including reasonable attorney or other fees, costs of expert witnesses, travel and other costs associated with the claim of Retaliation. These costs shall be paid to the Whistleblower or Witness;

(e) Transfer to another department of the Bank, only upon the request of the Whistleblower or Witness; and

(f) Intangible benefits, including public recognition of contributions of the Whistleblower or Witness to the Bank. However, the consent of the Whistleblower or Witness shall be obtained prior to such public recognition being made, in order to preserve the requirement of confidentiality and reduce the possibility of further Retaliation.

5.5.2 Upon approval by the applicable authority of recommended protective and remedial measures as it relates to a Whistleblower or a Witness, the relevant Bank Group department will be directed to implement the approved measures.

Article VI: APPEALS, REVIEW & REPORTING

6.1 Appeals

6.1.1 Bank Personnel who are Whistleblowers or Witnesses seeking protection from Retaliation may file an appeal, where they are dissatisfied with the decision of the Office of Integrity, the Bank’s senior-most official in charge of Human Resources or the President as applicable, to provide immediate protection or recommendations for protection according to the provisions in Section 5.2.13, depending on who has committed or is threatening to commit an act of Retaliation. To be considered, an appeal must be made to the Staff Grievance Committee within thirty (30) calendar days of receipt of the decision.

6.1.2 The Staff Grievance Committee shall consider the appeal and make recommendations to the President, who shall make the final determination on the matter. The decision of the President shall be subject to review by the Bank’s Administrative Tribunal.

6.2 Review & Reporting

6.2.1 The Boards of Directors will review and update this policy every five (5) years or sooner if necessary, including as required due to changes to other relevant policies, codes of conduct or staff rules.

6.2.2 The Director of the Office of Integrity will report on the implementation of this Policy as part of its regular Reporting under the Annual Integrity & Anti-Corruption Report issued by the Office of Integrity.
Report Form through the Bank website:

Secure email:
investigations@iacd-afdb.org;
integrity@afdb.org

Hotline (24/7): +1 (770) 776-5658
Telephone: +225 27 20 32 01 49

Mail correspondence:
African Development Bank
Office of Integrity and Anti-Corruption (PIAC)
Immeuble du Centre de Commerce International d'Abidjan - CCIA
Avenue Jean-Paul II
01 BP 1387
Abidjan 01, Côte d'Ivoire