

SPEAK OUT! POLICY - TEAM MEMBERS AND PARTNERS

Effective Date	December 15, 2023	Version	2.1	Version Date	December 15, 2023
Responsible Team	Ethics and Compliance Department				POLICY
Supersedes	Version 2.0 [Ethics Complaint and Whistleblower Policy]				
Policy Type	Tier 1	Policy Number	POL-1029		

1. Purpose

Achieving Mercy Corps' mission to alleviate 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. This policy serves to guide Team Members, Partners, and other stakeholders who seek to raise concerns or report unethical behavior, including:

- 1) violations or suspected violations of Mercy Corps' Code of Ethics policies,
- 2) instances of waste or mismanagement of funds or abuse of authority,
- 3) substantial and specific public health and safety dangers caused by Mercy Corps or its partners,
- 4) violation of any law, rule, or donor requirements, or
- 5) other illegal conduct.

It addresses options for reporting unethical behavior; describes circumstances where reporting unethical behavior is required; describes Team Member protections against retaliation for reporting; and highlights the procedures Mercy Corps uses to address reports of unethical behavior.

2. Scope and Application

- 2.1. This policy applies to all Board Directors, employees, seconded employees, interns, and volunteers (collectively "Team Members") of Mercy Corps Global, Mercy Corps Europe, Mercy Corps Netherlands, and their operational subsidiaries and controlled affiliates (collectively "Mercy Corps").
- 2.2. Third party organizations and individuals, including subrecipients, contractors, outside experts, consultants, agents, representatives, vendors, and any other organization or individual that acts on Mercy Corps' behalf or at Mercy Corps' direction (collectively, "Partners") are required to follow this policy in the course of their engagement or arrangement with or for Mercy Corps.

3. Policy Statements

Duty to Speak Up

- 3.1. Mercy Corps expects all Team Members and Partners to respect and adhere to the highest standards of ethical conduct, including the humanitarian and core principles

identified in Mercy Corps' Code of Ethics: accountability, integrity, honesty, and respect. Mercy Corps expects management to maintain a culture that supports and strengthens commitment to these high standards.

- 3.2.** Team Members and Partners have a duty to comply with all Mercy Corps' policies, including, among others, policies contained in the Code of Ethics, such as Anti-Fraud and Anti-Corruption, Conflict of Interest, Preventing Support for and Transactions with Prohibited Parties, Child Safeguarding, Prevention of Sexual Exploitation and Abuse of Participants and Community Members, Sexual Misconduct in the Workplace, Discrimination, Harassment, and Bullying, Anti-Human Trafficking and Exploitation, and Responsible Use of Mercy Corps Resources policies (also referred to as "Mercy Corps' ethics policies").
- 3.3.** Team Members and Partners must immediately report unethical behavior or violations or suspected violations of Mercy Corps' ethics policies.¹ Team members must also report waste and/or mismanagement of funds, abuse of authority, substantial and specific danger to public health and safety² caused by Mercy Corps or its Partners, violations of any law, rule, or donor requirements, or other illegal or unethical conduct.
- 3.4.** Team Members and others who report unethical behavior or violations of policy do not have to be directly or personally affected by unethical behavior. Moreover, Team Members and Partners (other than subrecipients) who report unethical behavior or violations of policy to Mercy Corps should not conduct their own investigation or gather any evidence before making a report and should keep the information confidential. Subrecipients may conduct their own investigation if they have internal investigation procedures that have been determined or certified by the subrecipient to be substantially equivalent to Mercy Corps policies (see 4.3. to 4.5. below).
- 3.5.** Team Members and others may submit a report anonymously (unless prohibited by local law) through our web portal or phone lines (see 4.7. below) but are encouraged to identify themselves in the event investigators require additional information from the reporter to conduct a thorough investigation. If Team Members and others choose to identify themselves through Mercy Corps' reporting mechanisms, Mercy Corps will keep that information as confidential as possible, sharing it only with those who need the information to ensure the concerns in the report are addressed.
- 3.6.** This policy and Mercy Corps' Integrity Hotline are not intended to address general complaints about the workplace, including management, hiring, or interpersonal issues, or other matters not related to Mercy Corps' ethics policies as described above. General complaints should be raised with supervisors, human resources, or other responsible functions and departments within Mercy Corps.

¹ Consistent with our survivor-centered approach and recognizing the impact of trauma, survivors of abuse, harassment, or exploitation will never be penalized for choosing not to report personally experienced violations of Mercy Corps' Safeguarding policies. Survivors have the option to participate in any investigative process and will be offered supportive resources regardless of their participation decision. Survivors may also request anonymity in reporting.

² These matters should also be reported to Mercy Corps' security team as well as any appropriate emergency services.

Protection from Retaliation

- 3.7. Mercy Corps will not tolerate retaliation. No Team Member or Partner who reports unethical behavior or violations of policy in good faith will suffer harassment, retaliation, or adverse employment consequences, such as being terminated, demoted, or otherwise discriminated against as a reprisal for reporting unethical behavior. This protection cannot be waived by any agreement, policy, form, or condition of employment.
- 3.8. Allegations of retaliation will be investigated separately. Any Team Member who is determined to have retaliated against someone for reporting unethical behavior may be subject to disciplinary action up to and including termination of employment. To the extent possible, Mercy Corps will ensure that team members of partner organizations, program participants, community members, and other parties do not suffer retaliation in response to reporting unethical behavior under this policy.

Duty to cooperate

- 3.9. All Team Members and Partners have a duty to cooperate with, and provide documents and information to, Mercy Corps investigators, authorized law enforcement authorities, or donor investigators and maintain the confidentiality of investigative information. Retaliation against those who cooperate will not be tolerated.
- 3.10. Mercy Corps prohibits malicious reporting. Malicious reporting involves knowingly making a false allegation or report of unethical behavior, or false or misleading statements in the course of an investigation to Mercy Corps investigators, authorized law enforcement authorities, or donor investigators. Malicious reporting may lead to disciplinary action up to and including termination of employment.
- 3.11. 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 government department or agency authorized to receive such information.

4. Procedures

Education and Awareness

- 4.1. All Team Members are expected to read and familiarize themselves with this policy. All Team Members will be trained on the contents of this policy annually via Mercy Corps' mandatory Code of Ethics training.
- 4.2. All Mercy Corps offices must display the Mercy Corps Speak Out! Policy posters, translated into the primary languages of the office, in visible locations where all Team Members will see them.

Partner Contractual Requirements

- 4.3. 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.
- 4.4. Partners may also opt to certify compliance with their organizational non-retaliation policy and internal investigation procedures, provided that these are determined or certified by the Partner to be substantially equivalent to this policy. Mercy Corps reserves the right to review a Partner's policies and procedures and require a Partner to adhere to this policy, in whole or in part, to ensure compliance with donor requirements or as deemed necessary to ensure the protection of Mercy Corps, Team Members, or other Partners.
- 4.5. Partners are required to promptly notify Mercy Corps of any conduct related to their engagement with Mercy Corps that is or could be deemed a violation of a Partner's own ethics policies or Mercy Corps' ethics policies and to cooperate with Mercy Corps investigators, including providing copies of investigation reports.

Reporting Procedures

- 4.6. Mercy Corps encourages a culture of openness where Team Members, Partners, program participants, community members, and other stakeholders can safely raise their concerns, ask questions, and report unethical behavior. To ensure accessible and trusted reporting mechanisms, we have multiple methods available to report concerns or seek advice.
- 4.7. Mercy Corps' Integrity Hotline offers several options to confidentially report unethical behavior or seek advice in a secure manner:
 - 1. Reports can be submitted in any language directly to the Ethics and Compliance Department (ECD) at integrityhotline@mercycorps.org;
 - 2. Reports can be submitted through the Integrity Hotline web portal, mercycorps.org/integrityhotline, which is available in multiple languages. Reports on the web portal may be submitted anonymously; and
 - 3. Reports may be submitted by calling our Integrity Hotline local phone lines, which are administered by a third-party contractor and provide live assistance in over 50 languages, 24 hours a day.
- 4.8. Mercy Corps' Community Accountability Reporting Mechanism (CARM) systems provide multiple channels for participants and community team members to submit feedback, including concerns around ethical conduct. Community feedback involving ethical matters must be escalated by the CARM team directly to the ECD.
- 4.9. Mercy Corps Team Members may report concerns directly to a supervisor, a trusted leader, a Human Resources Lead, an Ethics and Assurance Manager, an Integrity Focal Point, a safeguarding team member, or through CARM. These individuals have a duty to treat the report confidentially and immediately forward the report, preferably in writing, to the Integrity Hotline.

4.10. Reports of retaliation should be made to the Mercy Corps Integrity Hotline through any of the existing channels: mercycorps.org/integrityhotline, integrityhotline@mercycorps.org, or through any of the Integrity Hotline telephone numbers. 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.

Follow-Up and Investigation of Reports of Unethical Behavior

4.11. The ECD is responsible for a prompt review of all reports of unethical behavior and for determining whether they merit investigation. The ECD will send a notice to the person who submitted the complaint to acknowledge its receipt.

4.12. The ECD will ensure a full and complete investigation of complaints deemed to merit further investigation. The investigation methodology will vary based on the nature and scope of the alleged unethical behavior. The ECD will notify the person who submitted a complaint when the matter is closed.

4.13. The ECD will employ the following guiding principles during investigations:

4.13.1. The ECD will conduct investigations independently and without interference or bias of any kind.

4.13.2. The ECD will ensure that investigations are thorough and objective and conducted and concluded in a timely manner.

4.13.3. ECD investigators will act professionally and treat colleagues, subjects of an investigation, witnesses, and others with respect, dignity, and professionalism.

4.13.4. The ECD will seek to ensure the safety and security of anyone involved in an investigation.

4.13.5. The ECD is committed to a survivor-centered response in all safeguarding investigations.

4.13.6. The ECD will strive to keep the investigation and identity of the reporting individual, witnesses and subject as confidential as possible. Disclosure of investigation details will be made only when necessary, for example to carry out an investigation, to ensure corrective measures are instated after an investigation, or when required by law, regulation, external donors or law enforcement.

4.13.7. The ECD will ensure that all investigations are fully documented in a final report detailing the investigative means and methodology, evidence, factual conclusions, and corrective measures.

4.14. The ECD is responsible for conducting investigations of allegations of unethical behavior. In some instances, the ECD may rely on trained in-country co-investigators to assist in conducting investigations or may hire external, specially trained investigators to conduct investigations. In other instances, external law enforcement may conduct investigations. Allegations against Executive Leadership Team members will be investigated by independent external investigators.

5. Roles and Responsibilities

- 5.1. Mercy Corps management is responsible for modeling our core behaviors, and values, adhering to all Mercy Corps policies and ethics principles, applicable laws, and regulations, and promoting an integrity culture in their respective countries or departments. Mercy Corps management is also responsible for ensuring that Team Members in their respective countries or departments annually complete Mercy Corps' mandatory Code of Ethics training and are aware of Mercy Corps' ethics policies (including the prohibition against retaliation and malicious reporting) and reporting mechanisms.
- 5.2. Country Directors are responsible for ensuring that all allegations of unethical behavior in their respective countries are immediately reported to the ECD, are treated with confidentiality, and that corrective and disciplinary actions are implemented where necessary.
- 5.3. The ECD provides a report of incidents at each regularly scheduled meeting of the Joint Ethics and Safeguarding Committee (JESC) and the Joint Audit and Risk Committee (JARC). The JARC has ultimate oversight of fraud and corruption matters and their resolution and the JESC has ultimate oversight of safeguarding and human resource code of ethics matters and their resolution.
- 5.4. The Chief Ethics and Compliance Officer is responsible for overseeing the ECD and its decisions under this policy.
- 5.5. The General Counsel is responsible for providing legal advice or guidance, with outside counsel as necessary, with respect to compliance with applicable law. Mercy Corps expects all Team Members to maintain a culture that supports and strengthens commitment to our ethics policies.

6. Policy Governance

- 6.1. Mercy Corps' ECD is responsible for ensuring that this policy is monitored, enforced, and remains up-to-date and compliant with best practices.

Responsible Team	Ethics and Compliance Department
Policy Owner	Director of Fraud and Corruption Prevention; Director of Safeguarding
Executive Sponsor	Chief Ethics and Compliance Officer
Policy Approver	Mercy Corps Board of Directors Date November 30, 2023
Last Reviewed	N/A
Next Formal Review	December 15, 2025