SPEAK UP!

Guide to Safely Reporting Suspected Integrity Violations or Misconduct
The Asian Development Bank (ADB) believes that speaking up is a powerful tool for creating positive change in the organization and aligns with its aim to promote integrity and honesty in the workplace. However, speaking up as whistleblowers or witnesses can be daunting, especially if there is fear of retaliation.

This guide explains the importance of speaking up about suspected integrity violations or misconduct as defined by ADB’s administrative orders, staff regulations, Code of Conduct, Integrity Principles and Guidelines, and other applicable rules and policies; how to do so in a secure manner; and what safeguards are available to support ADB personnel from retaliation should they become whistleblowers or witnesses.

### Why Should You Speak Up?

Speaking up is essential for creating a trustworthy and healthy workplace. When staff members and other personnel share their concerns, this helps ADB identify and address issues before they escalate into more significant workplace concerns or issues. Speaking up will identify and address integrity violations, discrimination, harassment, and other inappropriate behaviors that can create an unethical and hostile work environment.

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1. “Integrity violation” means (i) in respect of staff and other persons covered under paragraph 3.1 of the Code of Conduct: a corrupt practice, fraudulent practice, coercive practice, collusive practice, abuse, or obstructive practice, each as defined in the Integrity Principles and Guidelines (IPG), or a conflict of interest that was not disclosed and adequately addressed in accordance with this Code of Conduct or other applicable ADB rules; and (ii) in respect of others: any act which violates ADB’s Anticorruption Policy, as defined in the IPG. (See ADB. 2023. Code of Conduct. Administrative Orders. AO 2.02. Manila. p. 3.)

2. “Misconduct” is behavior, or an act or omission, which is unacceptable or improper, contrary to the principles or rules of ADB or illegal or unethical. Misconduct may not necessarily be intentional and can arise from neglect, recklessness, or mismanagement. Misconduct includes, but is not limited to, (i) the failure to observe a Staff Regulation, Administrative Order, the Code of Conduct, or other rules, regulations, guidelines, or procedures, or perform other duties and responsibilities; or (ii) conduct, actions, or omissions, within and outside ADB, that risk discrediting or disgracing ADB, bringing ADB into disrepute, or could undermine the integrity of ADB’s policies, processes, or procedures. Misconduct may be qualified as: (i) “Integrity Violation,” as defined in paragraph 2.9 of the Code of Conduct; or (ii) “Other Misconduct,” which is any Misconduct other than an Integrity Violation.” (See ADB. 2023. Code of Conduct. Administrative Orders. AO 2.02. Manila. pp. 3–4.)

3. “Harassment” is any unwarranted or unwelcome behavior, verbal, psychological or physical, that interferes with work or creates an intimidating, hostile or offensive work environment. Harassment includes but is not limited to sexual harassment and bullying. (See ADB. 2023. Code of Conduct. Administrative Orders. AO 2.02. Manila. p. 3.)
While speaking up is essential, how to do it is equally important. Here are some tips:

**Choose the right time and place**
Consider when and where is most appropriate to approach someone (i) whose conduct is of concern, or (ii) who may be able to provide advice regarding suspected integrity violations or misconduct.

**Be Clear and Concise**
Focus on the issue at hand, not the person. Stick to the facts and try to be constructive.

**Maintain a Record**
Note conversations or incidents that cause concern. Describe what happened, when, where, and how it happened, and who witnessed it.

**Use the Proper Channels**
Contact the Office of Professional Ethics and Conduct (OPEC) or the Office of Anticorruption and Integrity (OAI). (See other resources at the back of this brochure.)
Can You Speak Up Anonymously?

ADB encourages whistleblowers and requires witnesses to report in a manner that will facilitate effective assessment and investigation, which in general requires open or confidential rather than anonymous reporting. However, whistleblowers and witnesses may remain anonymous or request that their names be kept confidential.

Administrative Order 2.10

Whistleblower and Witness Protection

Administrative Order 2.10 (AO 2.10) is the policy of the Asian Development Bank (ADB) for the protection of whistleblowers and witnesses. It provides protection to whistleblowers and witnesses who voluntarily and in good faith report suspected integrity violations or misconduct. Retaliation by ADB personnel against whistleblowers or witnesses is considered misconduct and is subject to disciplinary procedures or sanctions.

AO 2.10 applies to both staff and external parties interacting with ADB and ADB personnel.
What is a Whistleblower?

A whistleblower is any person who, in good faith and voluntarily, reports, or is believed to be about to report or to have reported a suspected integrity violation or misconduct.

What is a Witness?

A witness is any person who is not the subject of an assessment or investigation but who provides or is requested by ADB to provide information regarding the matter under review.

What is Whistleblower Protection?

Whistleblower protection is a set of administrative provisions that is intended to protect whistleblowers. Administrative Order (AO) 2.10 serves to protect the rights of individuals who speak up in ADB’s interest and ensures that they are not punished or retaliated against.

What is Witness Protection?

Witness protection measures aim to protect witnesses from intimidation, harassment, or discriminatory treatment that could threaten their employment conditions or security, or the security of their families. ADB will support witnesses to safeguard their security and interests.

To Whom Must You Report the Suspected Violation or Misconduct?

Report concerns directly to OPEC or to OAI. Personnel may also seek advice from their manager, supervisor, or others identified at the back of this brochure.

Are You Protected from Retaliation?

Retaliation is prohibited and can take many forms, including but not limited to discriminatory treatment or harassment, improper assignment of work outside of the corresponding job description, improper withdrawal of work assignments contained in the job description, inappropriate performance appraisals or salary adjustments, or withholding of an entitlement. ADB personnel who report suspected integrity violations or misconduct, or otherwise cooperate with an ADB assessment or investigation, are protected from retaliation.
What Can You Do If You Believe Retaliation Has Occurred?
Reports of suspected retaliation or requests for protection under AO 2.10 should be made to OPEC or OAI.

How Will ADB Protect Whistleblowers and Witnesses?
A range of interim protection measures is available, which may include temporary reassignment to another position and/or placement on paid administrative leave for an initial period not exceeding 4 months.

ADB may also implement remedial measures to provide relief or other corrective measures for the staff who are victims of retaliation. Such relief or corrective action may include reversal, rescission, or revisions of the relevant detrimental act amounting to retaliation in relation to work assignment, performance appraisals, salary adjustments, and/or withholding of an entitlement.

Counseling services are also available to ADB staff. Should staff believe that there is a direct and imminent threat to personal security or the security of his or her family, staff may contact the ADB security team, which will provide necessary action and/or guidance.

ADB has strict measures to prevent ADB staff from engaging in retaliatory conduct. Staff who have been found to have engaged in retaliation are subject to disciplinary procedures and measures under AO 2.04 (Disciplinary Procedures and Measures).

How Does ADB Protect Confidentiality?
OPEC and OAI offer a confidential space for individuals seeking protection from retaliation and ensure that applicable safeguards are followed under ADB’s rules. As required, confidential information may be shared with Management and relevant departments on a need-to-know basis to facilitate the resolution of a workplace concern.

OPEC and OAI have established regular communication channels through phone, emails, or secure online forms. Personnel can contact OPEC and OAI by providing their name and requesting confidentiality, or by choosing to remain anonymous.

All personnel assisting with the assessment or investigation of suspected integrity violations or misconduct are required to preserve and protect the confidentiality of information related to assessment and investigations, including the identity of all parties concerned.
What Happens to Reports of Retaliation?

Most reports of suspected retaliation by staff and requests by staff for relief from potential retaliation are initially assessed by OPEC. Once OPEC finishes its assessment, it handles these matters through constructive resolution. If the concerns are resolved through constructive resolution, OPEC will follow up with the affected staff after 4 weeks to monitor if the resolution is sustainable and there is no further suspected or potential retaliation. If the concern is not capable of or appropriate for constructive resolution, OPEC will refer the allegations to OAI for further investigation.

Conclusion

Speaking up is a powerful tool for creating positive change in ADB, since it helps foster a responsible, collegial, and trusting environment in the workplace in line with ADB’s values. Therefore, it is important that it is done in a manner that protects the rights of personnel and provides protection against retaliation.

It is hoped that this brochure is useful in understanding the importance of speaking up about suspected integrity violations and misconduct, and how to do so in a secure manner. For questions or concerns about speaking up in ADB, please contact OPEC.

References


Other Resources

• CARE Network
• Office of the Ombudsperson
• Staff Council Legal Advisor
• Staff Counselor
• HR Business Partners Division, BPMSD
• Health Unit, BPMSD
• Cigna/Employee Assistance Program