



Protection against retaliation policy

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1. PURPOSE

SPC requires all of its employees to observe the highest standards of ethics in conducting their duties and responsibilities.

The *SPC Protection against Retaliation Policy* provides a framework to encourage individuals to, in good faith, report allegations of misconduct or cooperate with authorised audits or investigations, without fear of retaliation or retribution.

2. SCOPE

No SPC staff member or non-staff personnel shall intimidate or take retaliatory action against any SPC member of staff, non-staff personnel or any person providing goods or services to SPC who reports a breach of any policy in good faith and without malice. Any individual who violates this policy may be subject to disciplinary action.

3. DEFINITIONS

Retaliation is any direct or indirect detrimental action that is threatened or taken against an individual because that individual engaged in a 'protected activity'.

Examples of retaliation may include, but are not limited to:

- intimidation, bullying or harassment;
- adverse actions to the person's day-to-day work responsibilities (e.g. inappropriate work assignments);
- refusing the person a promotion, or demoting them;
- adverse actions with respect to the person's salary or other terms and conditions of employment;
- terminating a contract;
- not renewing a contract; and
- threats of any of the above.

Retaliation does not include actions taken in the normal, day-to-day management of the staff member or service provider. It also does not include any disciplinary action that may be imposed as a result of an individual's complicity in wrongdoing that is the subject of an investigation that they have cooperated with.

Protected activity is a good faith report to the appropriate SPC authority alleging misconduct or wrongdoing, and made in accordance with relevant SPC procedures. It also includes good faith participation in any authorised investigations or audits.

For a complaint to be a 'protected activity' it must be made in good faith and without malice. There must also be reasonable grounds for believing the misconduct or wrongdoing occurred.

Misconduct or wrongdoing, for the purposes of this policy, includes, and is not limited to:

- a breach of any SPC regulations, rules or policies that could result in disciplinary action;
- fraud or corruption;
- harassment or bullying; and
- discrimination.

Authorised delegate is a person authorised by SPC's *Instrument of Delegations* or *Instrument of Authorisation*, or any SPC policy, to make a decision or to undertake an activity. In the event of any conflict between this policy and the *Instrument of Delegations*, the *Instrument of Delegations* prevails.

Where a function is given to a particular position, a position higher in the reporting line is also able to fulfil the function (e.g. Deputy Director-General Noumea is able to undertake all approvals allocated to Director Finance).

4. REPORTING

Any individual who reports misconduct or wrongdoing, or cooperates with an investigation or audit, in good faith, may seek protection under this policy. The report must be made through the appropriate SPC channels, as set out in any relevant SPC policy.

Gossip, rumours or intentionally false reports are not protected under this policy.

5. CLAIMING PROTECTION

Any individual who believes they have been subjected to, or threatened with, retaliation because they have engaged in a protected activity, can report their concern, and request protection, by informing the Deputy Director-General Noumea or the Director Human Resources (for staff) or the Director Finance (for non-staff personnel or vendors or other service providers).

If allegations are made against members of SPC's Executive (the Director-General or Deputy Directors-General) or the Director Finance or Director Human Resources, the allegations may be reported to a member of the Executive who is not implicated, or alternatively to the Chair of CRGA or the Chair of SPC's Audit and Risk Committee. The Chair of CRGA will be informed of any such allegations.

A report should contain as much information as possible to enable an investigation, and should include:

- information about the alleged retaliation;
- when, where and how the retaliation occurred;
- who was involved in, and may have had knowledge of, the retaliation; and
- any documents or evidence that might support the allegations.

An individual who knowingly and intentionally makes a false claim may be subject to disciplinary action.

6. HANDLING OF REPORTED VIOLATIONS

Any allegation of retaliation will be taken seriously by SPC. Where possible, SPC will encourage an informal resolution of the matter that led to the allegation of retaliation; for instance, through conciliation or mediation by consent.

The Deputy Director-General Noumea may commence an investigation into the allegation. If an investigation is considered to be warranted, the Deputy Director-General Noumea will appoint an appropriate officer to undertake an investigation. Depending on the nature and seriousness of the allegation, the officer may be assisted in the investigation by other SPC staff nominated by the Deputy Director-General Noumea. SPC will conduct any investigation in accordance with the rules of procedural fairness.

SPC may also engage the services of other persons to assist with or conduct the investigation, particularly in cases of perceived conflict of interest.

A report on the investigation detailing its findings will be provided to the Deputy Director-General Noumea.

7. REMEDIAL MEASURES AND ACTIONS

If the investigation concludes that, on the balance of probabilities, retaliation has occurred, SPC shall take any or all necessary disciplinary and administrative actions, including commencing staff disciplinary processes (Part XI Staff Regulations and Chapter XII SPC Staff Rules).

8. REPORT TO AUDIT AND RISK COMMITTEE

The Director Human Resources will maintain a register of all allegations of retaliation. The register of allegations will be reported on a regular basis to the Audit and Risk Committee, including the outcomes of any investigations.