This Directive, Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" (hereinafter Rule) clarifies the rights and responsibilities of Staff Members with respect to reporting suspected misconduct that may threaten the operations or governance of the Bank Group, so as to encourage Staff Members to raise concerns and enable the Bank Group to effectively address such cases, manage risks, and uphold standards of good governance.
Executive Officer, IFCEO; MIGA Executive Vice President and Chief Executive Officer, MIGEX; Knowledge Management Officer, HRDCO
SECTION I – PURPOSE AND APPLICATION

1.01 This Directive, Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" (hereinafter Rule) clarifies the rights and responsibilities of Staff Members with respect to reporting suspected misconduct that may threaten the operations or governance of the Bank Group, so as to encourage Staff Members to raise concerns and enable the Bank Group to effectively address such cases, manage risks, and uphold standards of good governance.

1.02 This Rule applies to all current and former Staff Members, as defined in Staff Rule 1.01, "General Provisions," and Staff Rule 4.01, "Appointment," regarding actions taken in the course of their employment.

1.03 This Rule applies to reports of suspected misconduct that may threaten the operations or governance of the Bank Group. The protections set out in this Rule apply whether the subject of the allegations is a Staff Member or any other person or entity inside or outside the Bank Group.

SECTION II – DEFINITIONS

1.04 Capitalized terms in this Rule have the meanings ascribed to them in Staff Rule 1.01, "General Provisions."

SECTION III – SCOPE

02. Staff Rights and Obligations in Reporting Suspected Misconduct

2.01 General. The duties of Bank Group staff to report suspected misconduct and to cooperate with the Bank Group are set forth in Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," Section 7 and paragraph 8.04, and in Staff Rule 8.01, "Disciplinary Procedures," paragraphs 2.02 and 4.06. Further to those provisions:

a. Confidentiality. The identity of a Staff Member who brings a concern or allegation to EBC under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," will be confidential as provided for in Section 7 of that Rule. A Staff Member who reports suspected misconduct under Staff Rule 8.01, Disciplinary Procedures," may request that his/her name be kept confidential, as provided for in Section 5 of that Rule.

b. Anonymous Allegations. Staff Members who report misconduct may choose to remain anonymous, as provided in Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," paragraph 7.04 and in Staff Rule 8.01, "Disciplinary Procedures," Section 5. A Staff Member who chooses to report on an anonymous basis must provide in a timely manner enough information concerning the basis of the allegations and sufficient detail or supporting evidence that the matter can be pursued responsibly. Otherwise, the matter usually cannot be pursued further. Even where anonymous allegations are sufficiently detailed or supported to permit a responsible review of the allegations under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or investigation under Staff Rule
8.01, "Disciplinary Procedures," to be conducted, no final finding of misconduct will be made based solely on the anonymous allegations without independent corroboration. Staff Members are encouraged to report in a manner that will facilitate effective review or investigation of the allegations, and remediation, which in general will mean open or confidential, rather than anonymous, reporting.

c. **Timing.** To facilitate effective review of allegations under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or investigation under Staff Rule 8.01, "Disciplinary Procedures," and remediation, Staff Members should report suspected misconduct as soon as possible after becoming aware of the suspected misconduct.

d. **Supporting Information.** A report should be accompanied by any information or evidence in the Staff Member's possession that would support a belief that misconduct may have occurred.

e. **Reporting allegations involving Board Officials.** Reports of suspected misconduct involving Board Officials are submitted directly to the Ethics Committee of the Board as provided in the Code of Conduct for Board Officials. In the alternative, a Staff Member may report suspected misconduct to EBC, in which case, confidentiality and anonymity protections available to reporters under this Rule shall apply.

2.02 **Reporting Channels.** Staff Members are encouraged to report suspected misconduct, to EBC and are required to report to INT suspected fraud or corruption in Bank Group financed projects or in the administration of Bank Group business. A Manager who suspects or receives a report of suspected misconduct has an obligation to report it. Suspected misconduct that falls within the scope of EBC, as described in Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," Section 6, is to be reported in accordance with Section 7 of that Rule. Suspected misconduct that falls within the scope of INT, as described in Staff Rule 8.01, "Disciplinary Procedures," paragraph 1.01, is to be reported in accordance with paragraph 2.02 of that Rule. Where a Staff Member has grounds to believe that reporting to line management or EBC or INT, as applicable, would subject the Staff Member to retaliation or create a likelihood that evidence relating to the suspected misconduct will be concealed or destroyed, the Staff Member may report suspected misconduct directly to the President, a Managing Director, the Senior Vice President and General Counsel, or the World Bank Group Human Resources Vice President, as the Staff Member may prefer, with a request that an alternative reviewer outside EBC or INT, as applicable, be designated to review the report of suspected misconduct. As provided in paragraph 2.01(e) of this Rule, a Staff Member may report suspected misconduct involving Board Officials to either EBC or the Ethics Committee of the Board. If submitted to EBC, EBC will refer the report of suspected misconduct involving Board Officials to the Ethics Committee for further review in accordance with paragraph 2.03 of this Rule. At the Staff Member's request, EBC will not disclose Staff Member’s identity to the Ethics Committee.

2.03 **Review of Reports of Misconduct.** A fair, prompt and thorough review of the facts and circumstances regarding reports of suspected misconduct under this Rule shall be conducted by INT or EBC, or by a person outside INT or EBC designated pursuant to Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," paragraph 6.03; or Staff Rule 8.01, "Disciplinary Procedures," paragraph 4.04, "Conduct of Investigation", respectively. An alternative reviewer may be any person outside EBC or INT, including an external reviewer from outside the Bank Group. Reports of suspected misconduct involving EBC or INT shall be reviewed by an alternative reviewer outside EBC or INT, respectively. Reports of suspected
misconduct involving Board Officials shall be handled by the Ethics Committee of the Board in accordance with the Code of Conduct for Board Officials. The Ethics Committee may designate EBC, INT, Ethics Advisor (appointed under the Code of Conduct for Board Officials), or another alternative reviewer to investigate allegations of misconduct involving Board Officials. EBC or INT may decide whether to undertake a delegated investigation and will notify the Ethics Committee of their respective decision.

2.04 **Prohibition Against Retaliation.** Managers and other Staff Members are expressly prohibited from engaging in any form of retaliation against any person for reporting suspected misconduct under this Rule, or for cooperating or providing information during an ensuing review of allegations under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or investigative process under Staff Rule 8.01, "Disciplinary Procedures." Under the Code of Conduct for Board Officials, Board Officials are prohibited from retaliating against an individual who reports in good faith suspected misconduct by a Board Official. This prohibition against retaliation extends also to retaliation against any person because such person was believed to be about to report misconduct or believed to have reported misconduct, even if such belief is mistaken. For purposes of this Rule, retaliation shall mean any direct or indirect detrimental action recommended, threatened, or taken because an individual engaged in an activity protected by this Rule. A Staff Member who believes s/he has been retaliated against in violation of this provision may seek relief in accordance with Section 3 of this Rule. A Staff Member who engages in such retaliation shall be subject to proceedings under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)."

2.05 **Interim Protections.** Staff Members who report suspected misconduct under this Rule, as well as Staff Members who cooperate or provide information regarding suspected misconduct in the course of an ensuing review of allegations under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or investigative process under Staff Rule 8.01, "Disciplinary Procedures," shall be accorded interim protections during the course of review or investigation as necessary to safeguard the interests of such Staff Members. At the direction of the World Bank Group Human Resources Vice President, and with the consent of the Staff Member, such interim protections may include temporary reassignment to another unit in accordance with Staff Rule 5.01, "Reassignment" or, in exigent circumstances, temporary placement on administrative leave in accordance with Staff Rule 6.06, "Leave."

2.06 **Periodic Updates; Notice of Outcome.** Staff Members who report suspected misconduct under this Rule shall be provided with periodic updates on the status of the Bank Group’s review of the suspected misconduct under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or investigative process under Staff Rule 8.01, "Disciplinary Procedures," as well as notice of the final outcome of the review or investigative process, including whether misconduct has been substantiated and whether disciplinary measures, sanctions, or other remedial measures have been taken. Information regarding disciplinary measures imposed on another Staff Member shall be handled in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," Section 5, "Disciplinary Matters." Where an allegation is made against a Board Official, if the Staff Member reports suspected misconduct to EBC, or if the Ethics Committee delegates the investigation to EBC or INT pursuant to paragraph 2.03 of this Rule, then the Staff Member will be notified by the respective VPU of (a) the status of the investigation; (b) EBC or INT’s decision whether or not to investigate the suspected misconduct, and (c) the final outcome of the investigation, if conducted by EBC or INT.

2.07 **Right to Refuse; Participation in Misconduct.** Staff Members have the right and obligation to refuse to participate in misconduct. A Staff Member who has participated in
misconduct may not avoid disciplinary proceedings simply by reporting the misconduct and seeking protection under this Rule. Depending upon the circumstances, a Staff Member’s reporting and degree of cooperation may be taken into consideration in determining the appropriate disciplinary measures for that Staff Member pursuant to Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or Staff Rule 8.01, "Disciplinary Procedures."

2.08 **Knowingly False or Reckless Allegations.** The protections afforded by this Rule do not require that the Staff Member’s report of suspected misconduct lead to a final determination by the Bank Group that misconduct has occurred. Nor is the Staff Member required to determine whether the suspected misconduct meets a specific degree of seriousness. However, this Rule does not protect the transmission of allegations that are knowingly false or made with reckless disregard as to whether they are true or false. A Staff Member’s transmission of such allegations itself constitutes misconduct and shall subject the Staff Member to proceedings under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)."

2.09 **Advice.** Staff Members who are uncertain as to how they should handle suspected misconduct in accordance with this Rule may seek confidential guidance and advice from EBC in accordance with Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or from the Ombuds Services Office, in accordance with Staff Rule 9.02, "Ombuds Services Office."

03. Procedures for Handling Claims of Retaliation

3.01 **Relief through Appeals or Alternative Dispute Resolution.** Staff Members who believe they have been retaliated against in violation of paragraph 2.04 of this Rule may seek relief as follows:

a. **Appeals.** A Staff Member who seeks relief from an adverse employment action alleged to constitute retaliation has the right to a fair, prompt and thorough review of the challenged action. A Staff Member may formally challenge the alleged retaliatory action before the Peer Review Services and Administrative Tribunal pursuant to the established procedures of those bodies as set forth in Staff Rule 9.03, "Peer Review Services," and Staff Rule 9.05, "The World Bank Administrative Tribunal," respectively. Where a Staff Member has made a prima facie case of retaliation for an activity protected by this Rule (i.e., by showing that the Staff Member reported suspected misconduct under this Rule and has a reasonable belief that such report was a contributing factor in a subsequent adverse employment action), the burden of proof shall shift to the Bank Group to show – by clear and convincing evidence – that the same employment action would have been taken absent the Staff Member’s protected activity.

b. **Alternative Dispute Resolution.** A Staff Member may seek alternative dispute resolution of the matter in the form of mediation or conciliation through, respectively, the Office of Mediation Services pursuant to Staff Rule 9.01, "Mediation Services," or the Ombuds Services Office pursuant to Staff Rule 9.02, "Ombuds Services Office." At the Staff Member’s option, mediation may be conducted by an external mediator selected jointly by the Office of Mediation Services or jointly by the disputing parties.

3.02 **Proceedings Regarding Alleged Retaliation.** Proceedings against staff alleged to have engaged in retaliation in violation of paragraph 2.04 of this Rule shall be handled in
accordance with Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," and the following provisions:

a. **Reporting Retaliation.** A Staff Member may report suspected retaliation by a Manager or another Staff Member to their line management or EBC. Where a Staff Member has grounds to believe that reporting suspected retaliation to line management and EBC would subject the Staff Member to further retaliation or create a likelihood that evidence relating to the suspected retaliation will be concealed or destroyed, the Staff Member may report the suspected retaliation directly to the President, a Managing Director, the Senior Vice President and General Counsel, or the World Bank Group Human Resources Vice President, as the Staff Member may prefer, with a request that an alternative reviewer outside EBC be designated to review the report. A Staff Member may report suspected retaliation by a Board Official to either EBC or the Ethics Committee of the Board. If submitted to EBC, EBC shall refer the report to the Ethics Committee. At the Staff Member’s request, EBC will not disclose Staff Member’s identity to the Ethics Committee.

b. **Review of Retaliation Claims.** A fair, prompt and thorough review of the facts and circumstances regarding the retaliation claim shall be conducted by EBC or by a person outside EBC designated by the President, a Managing Director, the Senior Vice President and General Counsel, or the World Bank Group Human Resources Vice President. An alternative reviewer may be any person outside EBC, including an external reviewer from outside the Bank Group. Any allegations of retaliation involving EBC shall be reviewed by an alternative reviewer outside EBC. Where it appears inappropriate for the person(s) who had previously reviewed a Staff Member’s report of suspected misconduct to review a subsequent retaliation claim brought by the same Staff Member, another person shall review the retaliation claim.

c. **Periodic Updates; Notice of Outcome.** A Staff Member alleging retaliation shall be provided with periodic updates on the status of the Bank Group’s review of the alleged retaliation under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," as well as notice of the final outcome of the review, including whether misconduct has been substantiated and whether disciplinary measures, sanctions, or other remedial measures have been taken. Information regarding disciplinary measures imposed on another Staff Member shall be handled in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," Section 5, "Disciplinary Matters." Where an allegation of retaliation is made against a Board Official, if the Staff Member reports suspected misconduct to EBC, or if the Ethics Committee delegates the investigation to EBC or INT pursuant to paragraph 2.03 of this Rule, the Staff Member will be notified by the respective VPU of (a) the status of the investigation; (b) EBC or INT’s decision whether or not to investigate the suspected misconduct, and (c) the final outcome of the investigation, if conducted by EBC or INT.

3.03 Proceedings under paragraphs 3.01 and 3.02 of this Rule may take place concurrently or independently.

a. **When request for relief precedes proceedings regarding alleged retaliation:** A Staff Member may seek relief from retaliation under paragraph 3.01 of this Rule, regardless of whether retaliation has already been reported, investigated or substantiated through proceedings under paragraph 3.02 of this Rule. When a Staff Member files a Request for Review with the Peer Review Services that alleges retaliation for activities protected under this Rule, the Peer Review Services shall provide the Staff Member filing the Request for Review with written notification that the Staff Member may also provide these allegations
to EBC or, in cases involving EBC, to the World Bank Group Human Resources Vice President, for review and potential proceedings as may be appropriate. Such notification shall not automatically suspend or delay the Staff Member’s Request for Review. When the Peer Review panel designated to consider the Request for Review issues its recommendation, if there is in the panel’s view a sufficient basis to believe that retaliation under this Rule may have occurred or occurred, the panel shall submit a copy of its recommendation on the matter to EBC or, in cases involving EBC, to the World Bank Group Human Resources Vice President, for review and potential proceedings as may be appropriate.

b. **When proceedings regarding alleged retaliation precede request for relief:** When a Staff Member has not yet sought relief under paragraph 3.01 of this Rule, but retaliation has been substantiated through proceedings under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," the World Bank Group Human Resources Vice President may offer relief, compensation or other corrective measures to the Staff Member who suffered retaliation, without requiring the Staff Member to take action under paragraph 3.01 of this Rule. Such corrective measures shall be provided in consultation with the Staff Member.

3.04 **Advice.** Staff Members who are uncertain as to how they should handle suspected retaliation under this Rule may seek confidential guidance and advice from EBC in accordance with Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or from the Ombuds Services Office, or other associated services within the Internal Justice Services (IJS), or the World Bank Group Staff Association.

**04. External Reporting**

4.01 Because a primary objective of this Rule is to enable the Bank Group to take institutional measures necessary to remedy misconduct, Staff Members are generally required to report suspected misconduct under this Rule through the internal mechanisms set forth in paragraph 2.02 of this Rule.

4.02 Nevertheless, protections against retaliation by Bank Group Managers or other Staff Members shall be extended to a Staff Member who reports suspected misconduct to an entity or individual outside of the established internal mechanisms where the Staff Member can show that:

a. such reporting is necessary so as to avoid:
   i. a significant threat to public health or safety; or
   ii. substantive damage to Bank Group operations; or
   iii. a violation of national or international law; and

b. the established internal mechanisms are inadequate because:
   i. the Staff Member has grounds to believe that it is not possible to report the suspected misconduct pursuant to any of the established internal mechanisms because all such avenues would subject the Staff Member to retaliation within the institution; or
ii. the Staff Member has grounds to believe that it is not possible to report the suspected misconduct pursuant to any of the established internal mechanisms because all such avenues would create a likelihood that evidence relating to the suspected misconduct will be concealed or destroyed; or

iii. the Staff Member has previously reported the suspected misconduct through the established internal mechanisms (and not on an anonymous basis), and the Bank Group has failed to inform the Staff Member in writing of the status of the matter within six months of such report; and

c. the Staff Member does not accept payment or any other benefit from any party for such report.

4.03 Qualified external reports that are made by Staff Members in accordance with paragraph 4.02 of this Rule, and consistent with any confidentiality obligations to concerned third parties, shall not be considered as a breach of Staff Members' obligations with regard to the disclosure and use of non-public information under Staff Rule 3.01, "Standards of Professional Conduct," Section 5, "Disclosure and Use of Non-Public Information."

05. Prohibition of Retaliation Against Outside Parties

5.01 As provided in Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," and reiterated in paragraph 2.04 of this Rule, retaliation by a Staff Member against any person who provides information about suspected misconduct is expressly prohibited and shall subject a staff member to proceedings under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)." This prohibition is not limited to retaliation against other Bank Group Staff Members. The prohibition includes retaliation against Bank Group contractors and their employees, agents or representatives, and any other persons engaged in dealings with the Bank Group.

SECTION IV – EXCEPTION

None

SECTION V – WAIVER

The Issuer may waive any provision of this Rule, with advice from the Vice President, Integrity, INTVP.

SECTION VI – OTHER PROVISIONS

None

SECTION VII – TEMPORARY PROVISIONS

None
SECTION VIII – EFFECTIVE DATE

This Directive is effective as of the date on its cover page.

SECTION IX – ISSUER

The Issuer of this Rule is the President, IBRD/IDA, IFC and MIGA, EXC

SECTION X – SPONSOR

The Sponsor(s) of this Rule are:
Vice President, Integrity, INTVP
IFC Chief Executive Officer, IFCEO
MIGA Executive Vice President and CEO, MIGEX

SECTION XI – RELATED DOCUMENTS

ANNEX(ES)

None

Questions regarding this Directive should be addressed to the Vice President, Integrity, INTVP