

GENERAL SECRETARIAT

EXECUTIVE ORDER No. 14-02

SUBJECT: PROTECTION FOR WHISTLEBLOWERS, INFORMANTS, AND WITNESSES - MODIFICATION TO THE STAFF RULES

THE SECRETARY GENERAL,

Under the authority granted to him by Articles 109 and 113 of the Charter of the Organization of American States (OAS) and Articles 4, 8, 12, and 14 of the General Standards to Govern the Operations of the General Secretariat of the OAS,

CONSIDERING:

That on February 14, 2005, following the recommendations of the Board of External Auditors, through Executive Order No. 05-08, the General Secretariat adopted Staff Rules 101.11 on "Protection for Whistleblowers, Informants and Witnesses";

That on November 1, 2012, through Executive Order No. 12-03, the General Secretariat adopted the Code of Ethics of the General Secretariat, which, pursuant to resolution AG/RES. 1 (XLII-E/11) of October 31, 2011, was placed at the disposal of the Permanent Council for its consideration;

That, in a manner similar to Staff Rule 101.11, the Code of Ethics of the General Secretariat establishes, in the pertinent section, the obligation of staff members and other providers of services to report facts or circumstances that may constitute financial or administrative misconduct, or violations of the code itself or of other provisions of the Organization's internal law; and

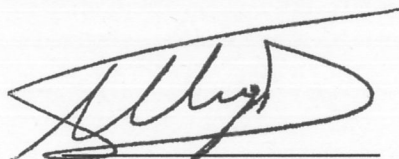
That the General Secretariat is particularly interested in updating its standards and administrative procedures, especially in matters relating to protection of whistleblowers, informants, and witnesses,

RESOLVES:

1. To adopt the modifications to the Staff Rules set forth in Appendix A of this Executive Order.

2. To instruct the Department of Legal Services to incorporate the modifications in the electronic version of the Staff Rules posted on its web page.

3. To establish that this Executive Order shall enter into force on the date it is signed, and that the modifications set forth in Appendix A replace any contrary standard, regulation, or practice of the General Secretariat.

A handwritten signature in black ink, appearing to read 'J. Insulza', is written over a horizontal line.

José Miguel Insulza
Secretary General

Date: July 30, 2014

APPENDIX A

Modification to Staff Rule 112.1

A new paragraph is included aimed at providing for hearing officers selected with the participation of the Staff Committee and trained in matters relating to the protection of whistleblowers, informants, and witnesses

Rule 112.1 General provisions for hearing and reconsideration

...

(g) Every year, in the months of January and February, the Secretary General shall, with the participation of the Staff Committee, appoint at least three staff members who shall act exclusively as hearing officers in cases relating to protection of whistleblowers, informants, and witnesses, including cases in which the requests for a hearing are connected with allegations of reprisals, pursuant to Staff Rule 101.11. These hearing officers shall receive independent and specialized training in matters relating to protection of whistleblowers, informants, and witnesses.

Modification to Staff Rule 112.2

The time allowed for presenting requests for a hearing is extended to 120 days in cases alleging retaliation for having reported financial or administrative misconduct

Rule 112.2 Procedure for Presentation of a Hearing Request to the Secretary General

(a)...

If the petitioner alleges that the measure affecting his or her rights constitutes retaliation as defined in Staff Rules 101.11 (a) (vi), the time allowed for presentation of a request for hearing shall be 120 days.

Modification to Staff Rule 101.11 (a) (vi)

A higher standard of proof is set for the General Secretariat to demonstrate clearly and convincingly that an administrative measure against an informant would have been taken for other justified reasons

Rules 101.11 Protection of Whistleblowers, Informants, and Witnesses

(a) (vi) Retaliation:

. . . An adverse action shall not be considered retaliation in those circumstances where the General Secretariat can prove by clear and convincing evidence that it would have taken the same adverse action against the informant for other reasons, even if the informant had not reported the financial and administrative conduct alleged.