

## **Policy of Protection for Complainants**

### **I. Background**

The main reason a person chooses to remain silent is the fear of being subjected to reprisals, run any personal risk as coercion, intimidation, harassment, personal injury, threats, and the professional risk materialized in the loss of employment, lower hierarchy or loss of opportunities for promotion, transfer of responsibilities or reduction of salary.

Such consequences have a deterrent effect on people who may have denounced an illegal or irregular act but decided instead that it is not worth the risk.

This policy seeks to facilitate people, inside and outside the institution, the practice of the complaint.

### **II. Objectives**

- Strengthen the complainant protection against reprisals.
- Provide safe conditions that encourage the practice of complaint.

### **III. Scope**

Shall have the right to be protected the person that:

- Denounce illegal or irregular actions on the part of the personnel of the institution.
- Provide information in good faith on irregular or unlawful activities on the part of the staff of the institution.
- Cooperate in good faith with a duly authorized audit or investigation.
- Provide accurate, sufficient and relevant information to the identification and accreditation of illegal or irregular actions.

The activities of transmission or dissemination of unsubstantiated rumors will not be protected.

<b>The Policy of protection for Complainants</b>	Code: <b>PO-AI-02-18</b>
	Approved by CAICR: <b>29.05.2018</b>
	Date: <b>7.06.2018</b>
	Versión: <b>I</b> <span style="float: right;">Pages: <b>4</b></span>

#### IV. Definitions

**Complainant.** Any person who brings to the knowledge of the institution a fact that considers may constitute an illegal or irregular action likely to be investigated.

**Witness.** Any person who has relevant information about illegal or irregular actions and is ready to cooperate by paying testimony or giving evidence leading to investigate, prosecute or convict those responsible for such activities.

**Protected Person.** Complainant or witness of an illegal or irregular action that has been granted protective measures with the aim of guaranteeing the exercise of their personal and labor rights.

**Protective measures.** Combination of measures designed to protect the exercise of personal and labor rights of complainants and witnesses of illegal or irregular actions.

**Reprisal.** Any measure of harm, direct or indirect, against a person who has denounced or provided information regarding any illegal or irregular or action.

**Corruption.** The action or omission committed by a co-worker in the exercise of his/her functions to obtain an undue advantage of any nature, for himself/herself or a third party.

**Hostility.** Any action or omission is intentional, regardless of who is responsible, that could cause damage or harm to the complainant.

**Embezzlement.** The misappropriation or other diversions of goods, public or private funds or titles, or any other thing of value that may be entrusted to a collaborator by his/her position, to benefit himself/herself, a third party or other entities.

**Abuse of functions.** An act or omission on the part of the co-worker in the exercise of his/her duties to obtain an undue advantage for himself/herself or another person or entity.

**Illicit Enrichment.** A significant increase in the assets of a collaborator concerning his or her lawful income cannot reasonably justify.

<b>The Policy of protection for Complainants</b>	Code: <b>PO-AI-02-18</b>
	Approved by CAICR: <b>29.05.2018</b>
	Date: <b>7.06.2018</b>
	Versión: <b>I</b> <span style="float: right;">Pages: <b>4</b></span>

## V. Complaint mechanism

The institution has an online *Complaint Line* tool:

<http://fmcn.org/uploads/privacies/file/pdf/HOVb9YcpKmX5EoSyt0dgag0SSi2FeH9nqePMUnVj.pdf>



## VI. Protective measures

### a) Confidentiality.

The first mechanism of protection for the complainant is confidentiality.

Once the institution receives a complaint, it shall grant to the complainant the reservation of his/her identity through the assignment of an identification code. Only the Internal Auditor will know about the code.

The Internal Auditor will explain the limits of confidentiality:

In case of a criminal prosecution, it is necessary the complainant's testimony.

When the testimony of the Complainant is needed to proceed with an investigation or criminal prosecution, the Internal Auditor must have the prior written consent of the complainant.

### b) Measures of labor protection.

The institution prohibits and punishes any act of coercion, intimidation, harassment, physical violence, verbal and psychological violence on the part of their collaborators.

The institution will use communication technologies to avoid physical involvement of the complainant during the development of the investigation.



<b>The Policy of protection for Complainants</b>	Code: <b>PO-AI-02-18</b>
	Approved by CAICR: <b>29.05.2018</b>
	Date: <b>7.06.2018</b>
	Versión: <b>I</b> Pages: <b>4</b>

In case that the defendant is of a higher direct hierarchy than the complainant, the institution shall then proceed with an organizational adjustment or reallocation of functions to ensure safety and well-being of the complainant.

**c) Personal protective measures.**

The protective measures shall be proportional to the vulnerability of the complainant:

In case of low/medium vulnerability:

The institution will grant the complainant to work via remote to eliminate any possibility of reprisal and resolution of the complaint.

In case of high vulnerability:

The institution will grant the complainant the opportunity to change its headquarters to eliminate any possibility of retaliation and resolution of the complaint.

**d) Protection against reprisals.**

All complainant who feels a victim of retaliation or adverse consequences for having denounced should immediately notify it. The Internal Auditor starts an investigation.

**e) Legal assistance.**

The institution guarantees legal assistance in case of judicial processes as a result of its status as a complainant or witness. Lawyers will play the aid.

**f) Psychological and medical care.**

The institution guarantees psychological and medical care as a result of its status as a complainant or witness and if it is considered necessary.