

RESPONSIBLE BEHAVIOUR

A guideline for MSF-OCA staff

“As staff and volunteers of MSF-OCA our behaviour and actions are defined by the beliefs, values and principles of the organisation. We demonstrate this in our respect for all individuals and communities that we work with. We hold each other accountable for our behaviour accordingly and when we identify unacceptable behaviour or malpractice in the organisation we address it.”

MSF-OCA Integrity Statement

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References to 'he' or 'his' in this brochure
are meant to include 'she' and 'her'

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Introduction

Problems can often happen in workplaces, and common sense is usually the best tool. The sooner an issue is dealt with, the less likely it is that outside assistance will be required.

MSF-OCA relies on this internal resolving mechanism to address any concern in the workplace. However, should this not be sufficient, both employer and employee can fall back on an administrative frame of good processes and procedures of which this booklet is evidence.

This booklet covers the area of ethical issues that can arise in the workplace and where employees can go for help.

The first part of these guidelines explains how the administrative frame in general works. The guideline then outlines various types of behaviours that MSF-OCA considers questionable at the least, and which may give ground for further discussions or even interventions.

It goes on to explain what type of interventions the individual employee can take when confronted with inappropriate behaviour.

Also in this series are booklets on:

- *Stress in the field*
- *Absence due to illness*

Scope

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Employee and MSF have a mutual interest to create, observe and maintain an employee relations structure within which all issues arising between them can be considered and resolved.

The basis of the humanitarian mandate of MSF-OCA lies in the standards and values as described in the international Charter of MSF. These values need to be carried and defended on a daily basis through the choices its employees make. This brochure is used as instrument to give a further outline and provide orientation to what is ethical or appropriate behaviour.

For whom is this booklet written?

This booklet is first and foremost for employees that have signed MSF-OCA's Code of Conduct as part of their employment contract. In addition, MSF-OCA will communicate the standards and values as laid down in this booklet to each individual representing MSF-OCA in any manner.

Where and when does this booklet apply?

The content of this booklet, the ethical rules in particular, portray an employee compliance framework applicable to all MSF-OCA activities in any part of the world. International field employees living amongst the target population are even expected to demonstrate the humanitarian standards and values beyond the workplace, 24 hours a day, 7 days per week.

Does the booklet explain all the rules one should know?

The booklet is a demonstration of MSF-OCA's commitment to integrity. However, it is not meant to describe each and every law or rule that can be applicable to the employee's conduct. It is the employee's responsibility to act within the spirit of this booklet and to know what additional laws, rules or professional codes are applicable to him.

Different laws in different countries

MSF-OCA realizes it has employed staff with different custom and work ethics, often on the basis of employment contracts governed by different (labour) laws of the countries of origin. Furthermore, it operates in areas where local laws and custom are applicable to our activities. MSF-OCA has committed to respect these different laws and custom. Notwithstanding the above, MSF-OCA maintains a willingness to challenge laws in the interest of our patients and will not accept laxity (or gaps) in the contracts or legislation as an excuse for malpractice or any practice in violation with the ethical rules as described in this booklet.

When does behaviour become unacceptable?

The legal framework in which MSF-OCA has to operate is complex, whereas ethical conduct covers an even larger and more complex domain. It is linked to personal values and principles. However, personal ethics become an issue for MSF-OCA when they have a negative impact on MSF, its employees or its beneficiaries.

Types of questionable conduct

There can be questions on conduct from three different perspectives: (1) conduct that is punishable by applicable law, (2) conduct that is ethically questionable or morally reprehensible and (3) poor performance. The first two are often referred to as *misconduct*.

Misconduct or serious misconduct

If an employee engages in misconduct that is listed in the ethical rules, it does not necessarily mean that serious misconduct has automatically occurred. In every case MSF-OCA will consider all the facts and the employee's response before it decides whether serious misconduct has occurred. Anyhow, the seriousness of a wrongdoing should neither be hidden nor measured by emotions felt.

MISCONDUCT OR SERIOUS MISCONDUCT

'Misconduct' means some form of wrongdoing. Usually it will involve a deliberate act, but there may be circumstances where an employee acts so carelessly that it amounts to misconduct (i.e. gross negligence or recklessness).

'Serious or gross misconduct' involves serious wrongdoing. The misconduct involves a breach of the ethical rules in such way that it undermines the trust and confidence that MSF-OCA has in the employee (e.g. theft, sexual or other assault, or the use of illegal drugs at work).

Poor performance

MSF demands a high level of professional competence. In the field, this is additionally challenging because of the emergency nature of work, the resource limited settings, cross-cultural communication and the particular vulnerabilities of the beneficiaries.

Issues with performances are normally resolved in day-to-day discussions or performance interviews with the employee. This might involve providing clear direction about what is required, or support and training to assist the employee to do the job properly.

POOR PERFORMANCE

'Poor performance' is a situation where the employee's performance deviates from agreed expectations to such a degree that a disciplinary process becomes justified. This can occur by single-occurrence or repeatedly (after warning.)

Impact

It is important to note that the objective of addressing questionable conduct is to prevent adverse impact thereof on MSF, employees or beneficiaries. Discussions about questionable conduct **should never be held on the basis of the individual's personal ethics.**

Impact of other sections on MSF-OCA

The case may be that staff of other MSF sections displays questionable activities or behaviour within their projects. This can have an impact on MSF-OCA as well, in case we are active in the same country or region. It is therefore recommended, under all circumstances, to report on such issues to the MSF-OCA field management.

Ethical rules

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Although denoted as ‘rules’ the following text parts should not be applied as law articles. Breach of which does not give immediate rise to a right for MSF-OCA to end the employment relationship.

Operating with integrity

Abuse of power / exploitation

By the very nature of its presence in situations of human suffering, MSF-OCA places employees in positions of power that are potentially subject to abuse. MSF-OCA and its employees have an obligation to ensure that this power is not abused and that humanitarian aid is not used for purposes other than to alleviate suffering of populations in need. Cases that may arise in the field exploit the very people we are there to assist, while jeopardizing MSF-OCA’s principles, mission, and image. There is no exhaustive list of conduct that MSF-OCA considers abuse of power or exploitation, however, MSF-OCA will not accept such conduct – whether or not by intent - within the following definitions:

ABUSE OF POWER

The use of any power - real or perceived - under unequal or coercive conditions. This includes, but is not limited to: the undue exercise of influence or control, physical intrusion (actual or threatened,) and/or the infliction of harm (physical, sexual, emotional and/or psychological).

EXPLOITATION

The act against an individual or group in a position of vulnerability, which includes but is not limited to, profiting economically, socially or politically from the exploitation of another. It also includes sexual exploitation.

For the legal protection of beneficiaries against abuse or exploitation, MSF-OCA refers to international human rights, and humanitarian and criminal law as illustrated in the next paragraph.

Legal protection of beneficiaries

Abuse or exploitation is a violation of international human rights, and humanitarian and criminal law. For example:

- The ‘Convention on the Rights of the Child’ protects children - defined as persons under 18 - from exploitation and abuse;
- The ‘Convention On the Elimination of All Forms of Discrimination Against Women’ protects women from ‘impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field’ (Art. 1) and prohibits all forms of trafficking or exploitation of prostitution of women (Art. 6);

- The United Nations Aide Memoire on Protection of Civilians in Armed Conflict (S/PRST/2003/27) prohibits exploitation of civilians by humanitarian aid workers and prescribes that assistance is provided impartially and without discrimination; and
- International criminal law penalizes rape and other acts that may result in inhumane treatment, torture or impair dignity.

Use of drugs, alcohol or other substance while at work

Performance requires a clear mind and the ability to react in an adequate manner: the safety of colleagues and beneficiaries may be at stake. Being intoxicated by drugs, alcohol or other substance, or incorrect usage of medicines diminishes the ability of an employee to act in an adequate manner. Many project countries in which MSF-OCA operates may have strict laws with regards to alcohol and/or drugs. Therefore MSF-OCA will not accept:

- Use of alcohol, illegal narcotics or prescribed medication in circumstances where this jeopardizes MSF-OCA's principles, mission and image, or is harmful for beneficiaries or colleagues.

Abuse of alcohol or narcotics is considered a serious conduct issue.

Use of organisational property

MSF-OCA demands from its employees that they use its premises and goods with respect and care, safeguarding the organisation's credibility. All goods on loan or otherwise in use, that have been obtained through MSF-OCA remain its property, even if said goods are products of the employee's performance. On termination of employment – or on immediate request of MSF-OCA at any prior point in time – said goods must be handed over immediately.

The employee may not, without written permission, keep said goods and the like in his private possession. In principle, the premises of MSF-OCA should not be used for non-work related activities unless with the permission of the appropriate authority. In the projects the Head of Mission (HoM) decides unless there is a conflict of interest, in which case the Operations Manager decides.

Use of ICT products and services

ICT products (incl. mobile devices) and related services are provided to staff for professional use only. For practical reasons, the employee may incidentally use these provisions briefly for private purposes unless it interferes with the daily duties, it disturbs the computer network or it involves (commercial) activities for own business or third parties. MSF-OCA does not permit the following activities:

- Sending, forwarding or saving messages (e-mail, SMS etc.) that are of a pornographic, racist, discriminatory, insulting, offensive or sexually intimidating nature or are legally prohibited;
- Sending messages designed to incite hatred and/or violence;
- Communicating messages externally, which in view of their nature, purpose and/or choice of words are intended purely for internal use;
- Visiting Internet pages with pornographic, racist, discriminatory, insulting, offensive or sexually intimidating material, nor to download or save such material;
- Using the Internet in a manner that can lead to situations which are potentially unsafe or unlawful, including the download of illegal or uncertified material (music, movies, software, etc.).

Handling organisational information

Information about the activities, strategies and data of MSF-OCA is property of MSF-OCA. The collection and processing of information by MSF-OCA is first and foremost to steer and monitor operations. Next it is for legitimate business purposes like administration, reporting and auditing. All records that have been obtained through MSF-OCA remain its property.

The employee may not, in so far that the employee's duties for MSF-OCA do not demand this, have them copied or allow third parties to see them.

Access to information

At the start of employment, the employee receives a user-ID and password to access the intranet, network and/or applications to enter and query records and other data. The employee is responsible for all activities that are done with his user-ID. When the employee suspects that his user-ID has been used improperly, the employee should notify his line-manager. Although in project countries it is more common that a user-ID is shared, it does not release the individual from his responsibilities.

Protection of confidential information

The present paragraph concerns the illicit disclosure of information that is confidential to MSF. This practice can disrupt MSF's operations and/or grant third parties an unfair advantage. 'Illicit disclosure' comprises, but is not limited to, the publication of confidential information through any medium (e.g. written or spoken press, web logs, social media and/or community websites). All current and past MSF-OCA employees are expected to treat all information acquired in the call of duty as potentially confidential. Any disclosure to external parties about the operational management of which the employee can reasonably suspect is harmful for MSF-OCA is considered inappropriate whistle blowing.

Accurate and complete bookkeeping and financial administration

The integrity and completeness of bookkeeping is not only organisational policy but also a legal obligation. Bookkeeping has to be done in accordance with the articles of association, internal regulations and contractual conditions. All our financial transactions should be recorded with accuracy and in accordance with truth. The management is responsible for the integrity of the bookkeeping and initiates internal and external audits to comply with this commitment.

Fraud and theft

Preventing fraud has a high priority for MSF-OCA, in order to protect the organisation's reputation as well as to prevent loss in money. MSF-OCA uses the following definition:

FRAUD

The intentional use of deceit, a trick or some dishonest means to deprive another of his/her/its money, property or a legal right.

In cases of (suspicion of) fraud and theft, it is MSF-OCA's policy to immediately investigate and, when applicable, to proceed against the employee(s) involved. Considering that MSF-OCA is a non-profit organisation with donations as its main source of income, it explicitly condemns theft. This includes private use of office supplies, spending substantial office time browsing the Internet for private reasons or (excessive) claiming of expenses of which the employee can reasonably suspect that they are not chargeable to MSF-OCA.

Interpersonal behaviour

Working environment without intimidation

MSF-OCA does not condone any form of intimidation, such as threats, menacing behaviour, bullying or insulting. All line-managers should be attentive to possible acts of intimidation in the working environment or other places where employees assemble. Obviously this framework cannot provide an exhaustive list of conduct that is considered intimidation. In any case, MSF-OCA will not accept conduct – intentionally or not – as explained in the following definitions:

DISCRIMINATION

Any kind of distinction, exclusion or restriction due to race, ethnic origin, gender, sexual orientation, religious conviction, age or handicap by an employee. This also includes offending of, and instigating to hatred or violence towards an individual.

SEXUAL INTIMIDATION

Unwelcome sexual advances, requests for sexual favours, and other verbal or non-verbal harassment of a sexual nature.

AGGRESSION AND VIOLENCE

Incidents where an individual is being psychologically or physically harassed, being threatened or attacked by an employee.

INCITEMENT TO FRAUDULENT ACTIONS

Practice where an individual is forced to act in breach of the law or agreements and rules applicable to the organisation (whether through action or inaction) by use of intimidation or threats or some other form of pressure or force.

Workplace romance

MSF-OCA strongly discourages romantic or sexual relationships during employment, which have the potential to jeopardize MSF-OCA's principles, mission (or team dynamics) and image.

Relationship between co-workers

It is not uncommon for romantic or sexual relationships to emerge in the workplace. Employees should be aware that this can lead to tensions in case of e.g. a 'bad' breakup or the appearance of favouritism when there is a hierarchical relationship. Employees should therefore proceed with caution and concern themselves with not disrupting the workplace.

Relationship between employee and beneficiary

Beneficiaries are always in a position of dependence. Romantic or sexual relationships between employees and beneficiaries, likely based on inherently unequal power dynamics, can be interpreted as an abuse of the beneficiary's vulnerability and are therefore forbidden.

MSF-OCA recognizes that there may be certain exceptions such as when people are employed while already having a relationship with a beneficiary, and that employees can be part of the population of beneficiaries themselves. The key here is transparency.

Prostitute visits

Because of the specific context and situations in which MSF-OCA operates, MSF-OCA considers the use of services of prostitutes in project countries as an act of abuse of power and therefore does not accept this.

What can you do?

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Wherever possible, issues in the workplace should be resolved informally. A procedure should not be used as a substitute for normal day to day discussions.

Seek informal resolution

MSF-OCA believes in the importance of being a responsible employer and with that, of facilitating an environment for open, fair and honest communication. However, ethical matters cannot always be evaluated or discussed with the simplest means. The most important thing is that a question or issue can be raised without restraint.

Whom can you ask questions?

In an open environment, anyone should be approachable for asking questions or to discuss issues with. However, there are certain roles in the organisation with additional responsibilities, which are referred to as regular reporting channels, such as the management hierarchy, a position involving confidentiality, human resources, or, in case expert advice is required, one of the technical support departments (Med/Log/Fin). But as said, the employee may discuss issues beyond these channels. The objective should always be to resolve an issue himself or to reflect his observance of certain behaviour; maliciously discrediting a person is in itself a serious conduct issue.

What happens after I have raised an issue with a reporting channel?

There are various scenarios possible depending on the type of issue or its severity. The regular reporting channels are empowered to solve issues 'locally' in the workplace by form of support or intervention. In case the issue involves a dispute between two or more parties, resolution can be sought in mediation by an internal or external mediator.

In case there are strong suspicions of misconduct, serious misconduct or poor performance by one or more employees, the management hierarchy can also request the HR department to start up an investigation as part of a disciplinary process. With international field staff (expats), this could result in the employee(s) involved being 'sent back' to the head office to participate in a process of verifying the allegations and determining whether the working relationship has a future or not.

What if raising the issue has not resolved anything?

Again, this depends on the type of issue:

- In case it involves performance issues, the subject may have been given a 'second chance' with some time to improve, or the management needs time to reinforce procedures or protocols.
- In case of behavioural issues that continue to disrupt the workplace, you can always decide to file a formal complaint, see 'Filing a formal complaint' on page 10.
- If you feel that your direct manager has not given proper attention to the issue that you have raised, you can always address his superior. This is still considered a regular reporting channel.

What if using the reporting channels is not an option for you?

Lack of trust in the regular reporting channels is in itself already an issue to be raised. But there may be other occasions when it is not possible for an issue to be resolved informally or via the management hierarchy. In such cases problem-solving procedures should be followed.

Follow a procedure

All parties should be absolutely clear whether any meeting is being held informally or under the formality of a procedure. It is expected that individuals will enter into a procedure in good faith, with the aim of resolving a particular issue.

Filing a formal complaint

There are two formal complaint procedures in the organisation, one for victims of intimidation and one for issues of professional competency or neglect which are linked to the performance of an individual physician. One must distinguish between (1) medical and (2) non-medical issues of professional negligence and/or competence. Type (1) issues follow the process of official complaints, whereas type (2) issues are to be followed up by line management.

Complaint Procedure – Intimidation

In the event that you have been the victim of intimidating behaviour (see ‘Working environment without intimidation’ on page 7) and addressing the issue with the person involved or disclosing it with your direct line-manager is not an option for you or has not resolved the issue:

- **File a complaint with the senior manager on location (Head of Mission in the field, General Director in HQ).**

In case both parties (complainant and defendant) are expats in one mission, the Head of Mission should refer the complaint to MSF-OCA's Director of PRO.

Process

The person with authority who receives the complaint is obliged to make (and communicate) a decision whether or not to investigate and, if the complaint is admitted, to select members for an investigation team.

The investigation team will, on the basis of its findings, formulate an advice to the person with authority who has admitted the claim. This person will eventually decide whether or not the complaint is justified and, with support of HR, decide on an appropriate response of the organisation.

The full procedure can be found on MSF-OCA's intranet (Habari): <https://intranet.oca.msf.org/Departments/HR/Policies/EmploymentRelationship/Pages/Intimidation/Procedure.aspx>

Complaint Procedure - Professional Incompetency

In the event that issues of professional competency or neglect are linked to the performance of an individual physician:

- **File a complaint with the MedCo**

Violations of medical ethics without allegations of neglect or incompetency are excluded from this procedure, but will be dealt with in the line with the advice of MSF-OCA's Medical Director. Issues of competency and professional neglect that arise due to a medical error report are the responsibility of MSF-OCA's Medical Director to determine if an investigation under this procedure should be started.

Process

The process is essentially the same as it is with complaints concerning intimidation, but the decision to investigate is now made by MSF-OCA's Medical Director and the investigation is under the responsibility of a fixed committee, the Medical Commission. The Medical Commission will recommend if it is also necessary to refer the complaint to the medical professional licensing body.

The full procedure can be found on MSF-OCA's intranet (Habari): <https://intranet.oca.msf.org/Departments/HR/Policies/EmploymentRelationship/Pages/Incompetency/Procedure.aspx>

Blowing the whistle

For allegations of **substantial wrongdoings** such as large-scale abuse or fraud, which exceed (or involves) the local management, MSF-OCA has installed a so-called Hotline. This hotline should not be used to challenge the outcome of other complaint procedures, or for grievance about one's terms and conditions of employment. A report should never involve a personal interest in the matter.

Hotline

In the event that you have been witness - or have reasonable suspicion - of substantial wrongdoings in MSF-OCA, which exceeds (or involves) the senior management:

➤ **Report the issue with the HOTLINE**

In case of reports from the field, these should therefore concern cases of misconduct of the country management team (CMT).

Exceptionally, also offences of non-CMT employees are eligible for reporting. The circumstances of the particular case (magnitude and severity of the suspected wrongdoings) would be decisive.

Process

Each report via the hotline will be handled by a person who is appointed by MSF-OCA's Management Team in the head office, and whose position is outside the operational management hierarchy. This person will operate according to a standard operational procedure, which involves a first review and checks whether the hotline is the relevant channel considering its scope and (legal) mandate.

The person answering the hotline will ask you:

- Your name, function, work location and contact details. A report cannot be done anonymously. In order to act on a report, the organisation needs to be able to verify the allegations. Named reports also allow for protection against retaliation.
- Whether you have discussed the issue already with the regular reporting channels (management hierarchy, HRM or technical support department).
- What type of wrongdoings you have observed and who is involved.

The full whistle blowing policy can be found on MSF-OCA's intranet (Habari): <https://intranet.oca.msf.org/Departments/HR/Policies/EmploymentRelationship/Pages/Complaints/Hotline.aspx>

General principles

The following principles will apply to the aforementioned problem-solving procedures:

- **Investigation/inquiry** - MSF-OCA will refrain from acting on hearsay. In case of a report of misconduct or malpractice, evidence will need to be gathered. Any such investigation will be done in line with the generally applicable standards in the jurisdiction concerned.

Employees who have been accused of a wrongdoing will have the opportunity to give their version of events at a hearing. The following principles will be subscribed to during the meeting with the employee:

- Prior to hearing the defendant, the topics to be discussed in relation to the nature of the report are indicated;
- The defendant will be informed prior to the hearing that his cooperation is voluntary;
- With notification, the defendant may bring along someone to the hearing;
- There are at least two persons present on behalf of MSF-OCA. Minutes are kept and subsequently a statement is drawn up;
- The statement is presented to the employee for comments. The employee concerned is given the opportunity to correct any factual inaccuracies in the statement.

■ **Proportionality** - The principle of proportionality should be upheld (1) during the investigation, as well as (2) in its outcome.

(1) The investigator needs to ensure that information is acquired in a fair and justifiable manner, proportional to the severity of the alleged wrongdoing.

(2) Management needs to ensure that the consequences of a fault remain in proportion with the wrongdoing committed.

Next to common disciplinary measures such as suspension or dismissal, an individual could be expelled from working with MSF, the so-called *NDPP* status (French acronym for 'Ne Doit Plus Partir', which translates to 'Not To Be Sent Out').

■ **Confidentiality** - All parties involved in a procedure must ensure that they maintain the confidentiality of the process within and outside the organisation. MSF-OCA will also observe the privacy rights of employees who are subject to an investigation. At the initial interview and during the investigation stage, all parties involved will be warned of the consequences if there is a breach of confidentiality. These consequences may take the form of a disciplinary action.

■ **Timescales** - Whilst every endeavour will be made to respond in a timely manner, due to the complexity and or specific circumstances of a case, any timescales mentioned should be seen as a goal and not a rule. In the event a timescale needs to be extended, the parties involved will be notified.

■ **Involvement of Human Resources** - The Chair of the OCA HR platform will always be consulted and will advise on the formal process. When relevant, other HR staff may need to be notified that a procedure has been launched against an employee.

■ **Openness** - A formal complaint cannot be done anonymously. In order to act on a report, the organisation needs to be able to verify the allegations. This includes the ability to return with questions for clarification to the employee who has made the report. This obviously requires a safe environment for the person who files a complaint in good faith, see also next principle. In case the report involves a *whistle blow*, the whistleblower's name will under no circumstances be provided to the person(s) about whom a report is made.

■ **Repercussions** - The management of MSF-OCA has the responsibility to prohibit retaliation or any actions that can be considered as such, against the employee who – in good faith – reported an (suspicion of) abuse or cooperates in the investigation thereof. Moreover, it should not lead to a situation in which the employee's interests are affected. Acts of retaliation are considered as serious misconduct.

■ **Pressing charges** - In case of criminal acts or serious violations of professional codes, the management of MSF-OCA will report to the relevant authorities or professional bodies.

However, before reporting legal offences to authorities in a mission country, one has to understand the standards the country practices to implement its laws. These standards must be balanced against the interests of the aggrieved party. For example, reporting a rape case to the authorities in Pakistan might have severe repercussions for the victim as well. Consequently, prudence is of the utmost importance.

Outro

05

Roles and responsibilities

Contact person for harassment

Contact point for concerns in the workplace

- Reference for managers, employees and beneficiaries concerning the complaint procedures
- A key link between initial support and referral to professional employee assistance (PSC unit)
- Follow-up; check whether the complaint has been dealt with and resolved

Regular reporting lines

- Resolving workplace concerns informally
- Reference for managers and employees concerning internal or external compliance rules
- Escalating issues to HR for disciplinary follow-up

Senior management on location

Has a delegated responsibility over (part of) the daily operations and therefore has an important role. The senior management will examine 'how matters got to this state', how to better prevent it in the future, what measures need to be taken towards an individual etc.

Hotline

- Person to be contacted to disclose substantial wrongdoings exceeding or involving senior management on-site
- Involving the regular reporting lines, when appropriate
- Escalating substantial wrongdoings that exceed the senior management such as large scale abuse, fraud etc. to the Chair of the OCA-MT for further investigation

Employee Assistance professional

Providing (brief) counselling, consultation and motivation for parties in a dispute to take steps to resolve the issues informally.

- Referring the employee, when needed, to appropriate outside resources for further assistance
- Availability 24/7 for crisis consultation by telephone
- Providing direct support, guidance and consultation to supervisors when they are confronted with difficult employee situations

Investigation team

- Doing inquiries into the complaint
- Concluding whether or not a complaint is founded
- Advising the appropriate authority about measures to take

Complaint-handling processes

Complaint Procedure - Intimidation [1]

Who can file:	All staff working for MSF-OCA, including hired-in staff		
Informal steps to take:	1. One or a combination of the following steps: a. Resolve oneself b. Report to the line-manager or – in case the line-manager is involved – the next superior in line c. Request HRM to mediate If step 1 has not resolved the issue, then: 2. File a written and signed complaint addressed to the senior manager within the country of occurrence.		
Defendant is:	Local staff	Int'l field staff	Office staff
Filing with:	Head of Mission	Head of Mission	General Director*
Deciding whether or not to admit complaint:	Head of Mission	Head of Mission	General Director*
Launching procedure:	Head of Mission	Director PRO	General Director*
Inquiry by:	Local investigation team	HQ complaint committee	HQ complaint committee
Decision-making:	Head of Mission	Director PRO	General Director*

*) For Amsterdam office Director PRO

Complaint Procedure – Professional Incompetency [2]

Who can file:	Any health staff member working with MSF-OCA or a patient or his immediate family member	
Informal steps to take:	-	
Defendant is:	Local staff	Int'l field staff
Filing with:	Medical Co-ordinator	Medical Co-ordinator
Deciding whether or not to admit complaint:	Health Advisor	Health Advisor
Launching procedure:	Medical Director	Medical Director
Inquiry by:	Medical Commission	Medical Commission
Decision-making:	Medical Commission	Medical Commission

Whistle-blowing procedure [3]

Who can report:	Anyone associated with MSF-OCA including contractors and beneficiaries
Informal steps to take:	1. One or a combination of the following steps: a. Ask for advice with any regular reporting channel that can relate to the issue (e.g. Financial Co-ordinator or Controller in case of financial compliance issues, Medical Co-ordinator or Health Advisor for issues on medical malpractice). b. Report to the line-manager, the MT or – if it is an issue that concerns the MT or its members – the Board If step 1 has not resolved the issue, or the issue exceeds the local senior management: 2. Report to the hotline
Filing with:	Hotline
Deciding whether or not to admit complaint:	Hotline
Launching procedure:	OCA-MT or Board
Inquiry by:	Ad-hoc investigation team (internal or external)
Decision-making:	OCA-MT or Board

Procedural rules

In case the MSF contracting section of the complainant or whistle-blower applies a procedure(s) different from MSF-OCA standards, the individual may choose which one should be applied. However:

- Once commenced in a procedure of one MSF section, the complainant or whistle-blower cannot change in procedures or ask another section to step in;
- The outcome of a procedure in one MSF section cannot be put for 'retrial' in the procedure of another section;
- Once commenced in a procedure of one MSF section, an appeal on procedural grounds can only be made within the framework provided by the section involved

