Policy of malpractices

DEFINITION

For the purposes of this agreement, **"Malpractice"** shall be understood to mean any improper, illegal, or negligent professional behavior. This term includes, but is not limited to, the following acts:

- **Fraud**: Any act or omission, including misrepresentation or concealment of a material fact, that knowingly or intentionally misleads, or attempts to mislead, a party to obtain a benefit, whether directly or indirectly, for oneself or for a third party.

- **Corruption**: The offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to improperly influence the actions of another party.

- **Criminal/Sexual Offences**: Any act that constitutes a criminal or sexual offense under applicable law.

- **Breaches of Legal Obligations**: Including negligence, breach of contract, breach of administrative law, or any other violation of legal duties.

- **Environmental Damage**: Any act that causes harm to the environment.

- **Concealment**: The intentional hiding of any of the above acts.

Examples of Fraudulent Acts may include, but are not limited to, the following:

a) **Submission of Falsified Documentation**: Presenting documents that have been altered or forged to deceive others
b) **Improper Assistance in Procurement Processes**: Providing unauthorized assistance to a vendor to influence the outcome of a procurement process.
c) **Manipulation of Procurement or Recruitment Processes**: Altering or influencing these processes to ensure a predetermined outcome.
d) **Misuse Pobic' s Resources/Reputation**: Using Pobic' s resources or reputation for personal gain or to benefit a third party.
e) **Soliciting or Accepting Bribes**: Requesting or receiving payments or favors in exchange for favorable treatment.
f) **Disclosure of Confidential Information**: Revealing internal confidential information to obtain a benefit for oneself or a third party.

g) **Manipulation of Administrative Processes**: Altering administrative procedures to disburse payments for personal gain or to benefit a third party.
h) **Soliciting Payments from People of Concern**: Requesting money from direct or indirect beneficiaries, refugees, asylum seekers, migrants, or stateless person in exchange for assistance or inclusion in specific projects carried out by Pobic.

MANAGEMENT

1. INTRODUCTION

Pobic is committed to fostering effective communication across all levels of the organization to promote best practices and ethical conduct. Pobic operates with honesty and integrity and acknowledges that all organizations may occasionally face challenges or instances of malpractice. It is Pobic's responsibility to identify and address such situations appropriately.

To this end, Pobic encourages all individuals to raise genuine concerns about malpractice in the workplace without fear of retaliation. Pobic assures protection against victimization or dismissal for those who act in good faith when reporting such concerns.

2. POBIC COMMITMENT

This policy has been introduced to provide a clear framework for individuals covered under its scope to report concerns about malpractice in the workplace promptly and appropriately. The policy applies to all genuine concerns, regardless of location or whether the information disclosed is confidential. Pobic is committed to complying with all relevant legislation regarding the disclosure of workplace malpractice and ensuring protection against adverse treatment or dismissal for those reporting concerns in good faith.
If an individual raises a genuine concern in good faith, they will not face job loss or any form of retribution, even if their concern proves unfounded upon investigation. However, this protection does not extend to individuals who knowingly make false allegations or are complicit in malpractice.

3. SCOPE

This policy applies to:

- The President;
- The Director;
- Members of Pobic's Board;
- Members of Pobic's Board of Auditors
- Pobic’s employees (under any contract status in Italy and abroad such as salaried staff, consultants, and interns…)

- Pobic's volunteer
- Pobic's throughout the development of activities that form part of programs or projects implemented in partnership and regulated by MoU.

Likewise, other involved parties, such as research professionals or people visiting projects or programs in the field are requested to sign a statement to temporarily adhere to the policy, for the time of presence in the Pobic's structures.

4. RESPONSIBILITIES

4.1. The overall authority for this policy is vested at presidentially level, represented by Maître Paolo Federico Novellini, and an appointed member of the Board of Directors.

4.2. Management bears a specific responsibility to ensure the effective implementation of this policy and to foster an environment where all individuals feel empowered to raise concerns without fear of retaliation. To support this, management will receive appropriate training in the relevant legal and operational frameworks, as well as best practices in handling whistleblowing matters.

4.3. All members of the Pobic Board, as well as its staff and team members, are collectively responsible for the successful implementation of this policy. They are required to take proactive steps to disclose any malpractice or wrongdoing they become aware of, ensuring adherence to the principles and procedures outlined herein.

5. PROCEDURES

Pobic will ensure that all team members and trustees are informed about this policy. New employees will receive this information as part of their onboarding process at the commencement of employment.

5.1 Procedure for Raising a Concern

5.1.1. If an individual believes that the actions of anyone within the scope of this policy may constitute malpractice, they should report the matter to their line manager. If the line manager is involved in the alleged malpractice, the concern should be raised with the line manager's supervisor.

5.1.2. Concerns may be reported verbally or in writing and should include detailed information and supporting evidence if possible. The whistleblower must indicate that they are using the Whistleblowing Policy and specify whether they wish their identity to be kept confidential.

5.1.3. In exceptional circumstances where it is inappropriate to approach the line manager or their supervisor, the whistleblower may report the matter directly to the Board.

5.2 Confidentiality

5.2.1. Pobic will make every effort to maintain the confidentiality of the whistleblower's identity until any formal investigation is underway. The whistleblower is also expected to keep the fact that they have raised a concern, the nature of the concern, and the identities of those involved confidential to avoid jeopardizing the investigation.

5.2.2. There may be circumstances where disclosure of the whistleblower's identity is necessary due to the nature of the investigation or associated disciplinary or legal proceedings. In such cases, Pobic will inform the whistleblower that their identity may be disclosed. If the whistleblower's participation in an investigation is required, Pobic will take reasonable steps to protect them from victimization or detriment and maintain confidentiality as far as practicable.

5.2.3. If an investigation leads to a criminal prosecution, the whistleblower may be required to provide evidence or be interviewed by law enforcement or judicial authorities. The implications for confidentiality will be discussed with them in such circumstances.

5.2.4. Anonymous Reporting: while Pobic does not encourage anonymous disclosures due to the difficulty in verifying allegations and conducting proper investigations without further information from the whistleblower, it acknowledges that anonymous reports may still be made. However, Pobic prefers individuals to come forward with their concerns to ensure effective action can be taken.

5.3 Support for Whistleblowers

Once a disclosure is made, a designated member of the board will act as the whistleblower's primary contact. This individual will provide updates on the progress of the matter and offer any necessary support.

Pobic ensures that anyone who raises concerns in good faith will not face dismissal or unfair treatment, even if their concerns are unfounded. If you experience retaliation after raising concerns, inform your HR contact immediately. Retaliation against whistleblowers will result in disciplinary action.

5.4 Handling of Disclosures

All disclosures will be treated seriously and handled according to the following procedure:

1. If the whistleblower has any personal interest in the matter raised, they must disclose this at the outset.

2. The disclosure will be acknowledged in writing, confirming that an investigation will be conducted and that Pobic will provide updates on its progress.
3. An impartial investigator, with no prior involvement in the matter, will be appointed to conduct the investigation. The investigation will typically commence within two weeks of receiving the disclosure, with its scope and duration dependent on the nature of the allegations. An initial assessment may be conducted to determine whether further investigation is warranted or if the disclosure is based on erroneous information.
4. The whistleblower may be asked to provide additional information during the investigation process.
5. The investigator's report will be reviewed by the individual managing the disclosure to determine appropriate actions, which may include disciplinary proceedings or referral to external authorities in cases involving criminal activity. Pobic will endeavor to inform the whistleblower if a referral is made but reserves the right to proceed without their consent if deemed necessary.
6. If insufficient evidence of malpractice is found, or if the actions do not warrant formal measures, an informal approach may be taken to address the matter.
7. The whistleblower will receive written notification of the investigation's outcome; however, details of actions taken may not be disclosed to protect third-party rights.

Possible outcomes include:

- The allegations could not be substantiated; or
- Corrective measures have been implemented to prevent the recurrence of the issue.

If dissatisfied with the response, whistleblowers may escalate their concerns to Human Resources or an appointed member of the Board of Directors, providing reasons for their dissatisfaction.

5.5 Corrective Action and Compliance

As part of investigations under this policy, recommendations for corrective action will be sought from investigators to minimize recurrence risks. Board will review these recommendations and oversee their implementation, reporting any necessary changes to Pobic's Directors.

5.6 False Disclosures

Pobic treats all disclosures seriously and protects individuals who raise concerns in good faith. However, disciplinary action or other measures will be taken against anyone found to have made malicious disclosures they know to be false or without reasonable grounds for believing their information was accurate. Such behavior may result in dismissal.