

EPILEPSY WARRIORS FOUNDATION (EWF)

WHISTLEBLOWER PROTECTION POLICY

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FIRST EDITION

Introduction

The Epilepsy Warriors Foundation (“EWF”) requires directors, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of EWF, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. The Whistle-blower Protection Policy (the “Whistle-blower Protection Policy” or “Policy”) has been approved by the Board of Directors. The EWF Board shall review, amend (as needed) and re-approve this policy every three years.

A Policy is to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption or wilful misuse of power or wilful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimization of the person making such complaint and for matters connected therewith and incidental thereto.

The Whistle-blower Policy applies to all our personnel¹ and to members of any EWF governance bodies (EWF directors, officers, and committee and task force members).

Definitions

“ Whistle-blower”

Whistleblowing is a deliberate non-obligatory act of disclosure, which gets onto public record and is made by a person who has or had privileged access to data or information of an organization, about nontrivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organization, to an external entity having potential to rectify the wrongdoing.

“Electronic mail” or ***“electronic mail message”*** means a message or information created or transmitted or received on any computer, computer system, computer resource or

¹ Personnel are individual persons who serve as EWF staff members, consultants, advisors, interns, and volunteers and are either employed by EWF or otherwise engaged by EWF.

communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message;

Reporting Responsibility

This Whistle-blower Policy is intended to encourage and enable personnel and others to raise serious concerns internally so that EWF can address and correct inappropriate conduct and actions. It is the responsibility of all personnel and governance body members to report concerns about violations of EWF's policies or suspected violations of law or regulations that govern EWF's operations. This Policy is not intended for personnel management issues; please see the Employee Handbook, Program Consultant Handbook FAQs, and Volunteer/Intern FAQs for more information on these types of issues.

No Retaliation

It is contrary to the values of EWF for anyone to retaliate against any person who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of EWF. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Reporting Procedure

EWF has an open-door policy and suggests that employees, consultants, and others share their questions, concerns, suggestions, or complaints with the Executive Director and/or Deputy Director. If you are not comfortable speaking with the Executive Director and/or Deputy Director, or if you are not satisfied with the Executive Director and/or Deputy Director's response, or if the Executive Director and/or Deputy Director is involved in the issue, you are encouraged to speak with a member of the Board Executive Committee. EWF's Executive Director, Deputy Director, and/or Executive Committee have the responsibility to investigate all reported complaints.

Board Executive Committee

EWF's Executive Committee, as designated by the Board, is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The Executive Committee will advise the Executive Director, the Deputy Director, and/or the Board of Directors of all complaints and their resolution and will report at least annually to the Treasurer on compliance activity relating to accounting or alleged financial improprieties.

Accounting and Auditing Matters

EWF's Executive Committee shall immediately notify the Board Treasurer of any concerns or complaints regarding corporate accounting practices, internal controls, or auditing and work with the Finance/ Audit Committee until the matter is resolved.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

The policy should allow for whistle-blowers to request that their identity should remain confidential as far as possible. However, the body should make the person aware of the problems with confidentiality and also make clear that the protection is not absolute.

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

EWF's Executive Director, Deputy Director, and/or Executive Committee will notify the person who submitted a complaint and acknowledge receipt of the reported violation or

suspected violation. All reports will be promptly investigated per the Employee Handbook, Program Team Handbook FAQs, and Volunteer/Intern FAQs and appropriate corrective action will be taken if warranted by the investigation.

Protection of witnesses

Whistleblowing should also be distinguished from laws and policies on protection of witnesses. There is some overlap between the two, often including a promise to keep the identity of the individual confidential.

However, witness protection is a much more serious matter, involving usually the physical protection of the individual who will not testify in a criminal case unless they are promised protection. It can also be broader in scope, involving people who are not in the organization and might have merely seen something or come across the information they are being asked to testify on as part of their jobs.

Whistleblowing, on the other hand, should not harm to the career and interests of the individual at the workplace. In whistleblowing, the focus is on the information, not the person who made the disclosure. Often, they are not asked to be witnesses but are merely bystanders once the disclosure is made.

Protection of Employment Status

The most important protections that whistle-blower laws can provide are to ensure that any harms to the employment status of the employee are remedied immediately. The definitions should be broad enough to catch any possible retaliation.

The EWF Whistle-blower Protection Policy sets out an extensive list of harms that are prohibited:

- a) being subjected to any disciplinary action;
- b) being dismissed, suspended, demoted, harassed or intimidated;
- c) being transferred against his or her will;

- d) being refused transfer or promotion;
- e) •being subjected to a term or condition of employment or retirement which is
- f) altered or kept altered to his or her disadvantage;
- g) being refused a reference or being provided with an adverse reference, from his or her employer;
- h) being denied appointment to any employment, profession or office;
- i) being threatened with any of the actions referred to paragraphs (a) to (g) above; or
- j) being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and work security

Protection against retribution

The law should have a broad definition of retribution that covers all types of job sanctions, harassment, loss of status or benefits, and other detriments. Employees should be also to seek interim relief to return to their job while the case is pending or be allowed to seek transfers to other equivalent jobs within the organization if return to the existing one is not advisable due to possible retribution.

A duty to inform

Whistleblowing should be also distinguished from a duty to inform. In much of the literature on anti-corruption, the positive - and often non-voluntary - duty of individuals to inform superiors or others of any wrongdoing that they discover is also described as whistleblowing. This is becoming especially common in areas such as civil service, banking and accounting.

The functionality is similar - there is a disclosure and the person who made the disclosure requires some protection from sanctions that they may face. However, the motivation and the type of problems are different. In the case of the required disclosure, the person faces the choice of being subject to criminal or other sanctions for the act of non-disclosure. In the case of the whistle-blower, it is more an ethical issue - something is wrong and they wish to see it set right often for the benefit of the organization. Their disclosure also tends have a broader scope - the act might not be criminal; it could just be that there is inefficiency or potential accidents would be prevented with the disclosure of information.

Safeguards against victimization.

(1) The EWF shall ensure that no person or EWF staff who has made a disclosure under this POLICY is victimized by initiation of any proceedings or otherwise merely on the ground that such person or EWF staff had made a disclosure or rendered assistance in inquiry under this POLICY.

(2) If any person is being victimized or likely to be victimized on the ground that he had filed a complaint or made disclosure or rendered assistance in inquiry under this POLICY, he may file an application before the Competent Authority seeking redress in the matter, and such authority shall take such action, as deemed fit and may give suitable directions to the concerned person, as the case may be, to protect such person from being victimised or avoid his/her victimization: