



OFFICE ORDER NO. 22 - 276
Series of 2022

ECC WHISTLEBLOWING POLICY

In the interest of the service and pursuant to **GCG Memorandum Circular No. 2016-02 dated April 22, 2016 on Revised Whistleblowing Policy for the GOCC Sector**, the following guidelines shall be implemented in the Employees' Compensation Commission (ECC).

I. Purpose and Coverage

1. This Whistleblowing policy shall serve as a tool for early detection of issues related to fraud, corruption and harassment.
2. This will enable any concerned individual to report and provide information, anonymously or even testify on matters involving the actions or omissions of the Officers and Employees of the ECC as well as its Chairman and Commissioners.

II. Reportable Conditions

Whistleblowers may report to the ECC Whistleblowing Committee such acts or omissions that are illegal, unethical, violate good governance principles, are against public policy and morals, promote unsound and unhealthy business practices, are grossly disadvantageous to the public and/or Government, such as but not limited to:

- a. Abuse of Authority;
- b. Bribery;
- c. Conflict of Interest;
- d. Destruction/Manipulation of Records;
- e. Fixing;
- f. Inefficiency;
- g. Making False Statements;
- h. Malversation;

- i. Misappropriation of Assets;
- j. Misconduct;
- k. Money Laundering;
- l. Negligence of Duty;
- m. Nepotism;
- n. Plunder;
- o. Receiving a Commission;
- p. Solicitation of Gifts;
- q. Taking Advantage of Corporate Opportunities;
- r. Undue Delay in Rendition of Service;
- s. Undue Influence;
- t. Violation of Procurement Laws;

Whistleblowers may also report such other acts or omissions that otherwise involve violations of the following laws, rules and regulations:

- a. R.A. No. 6713. "Code of Conduct and Ethical Standards for Public Officials and Employees";
- b. R.A. No. 3019, "Anti-Graft and Corrupt Practices Act";
- c. R.A. No. 7080, as amended, "The Plunder Law";
- d. Book II, Title VII, Crimes Committed by Public Officers, The Revised Penal Code;
- e. Executive Order (E.O) No. 292, s. 1987, "Administrative Code of 1987";
- f. R.A. No. 10149, the "GOCC Governance Act of 2011";
- g. GCG M.C. No. 2012-05, "Fit and Proper Rule".
- h. GCG M.C. No. 2012-06, "Ownership and Operations Manual Governing the GOCC Sector;
- i. GCG M.C. No. 2012-07, "Code of Corporate Governance for GOCCs";
- j. Violations of the Charter of the GOCC; and

- k. Other GCG Circulars and Orders, and applicable laws and regulations.

III. Whistleblowing Committee and Reporting Channels

1. All whistleblowing reports and investigation shall be handled by the ECC Administrative Complaints Committee which shall be composed of the following:

a. **Composition**

DESIGNATION	RESPONSIBLE PERSONS
Chairperson	Deputy Executive Director
Members	Chief, Appeals Division
	Chief, Admin Division
	ECC – EU Representatives
Secretariat	Attorney III
	HR Staff

b. **The committee shall have the following Duties and Responsibilities:**

1. Receives written report from the whistleblowers;
2. Conducts investigation of the case, submit recommendation to the Head of Office;
3. Ensures and promotes confidentiality of reports and information of the whistleblower and the person complained of;
4. Encourages safe, thorough, timely and independent investigation of the reports and the person complained of;
5. Establishes adequate enforcement and follow-up mechanisms;
6. Establishes robust and comprehensive protection for whistleblowers, securing their rights and ensuring a safe alternative to silence;
7. The committee may create an independent body (or appoint an existing one) to receive and investigate complaints of retaliation and/or improper investigation.

2. ECC Reporting Channels

- a. If the report or a complaint is against any members of the Board of Directors and ECC Officials, the whistleblowers may submit a written report addressed to the ECC Chairman of the Board:

Office of the Secretary
Department of Labor and Employment
Intramuros, Manila

- b. If the report or a complaint is against any ECC employees, the whistleblowers may submit a written report via our various easy-to-use hotline reporting tools such as:

CHANNELS	HOTLINE REPORTING TOOLS
E-mail	complaints@ecc.gov.ph
Postage Mail	Chairperson ECC Administrative Complaints Committee Employees' Compensation Commission 4 th & 5 th Flrs., ECC Building 355 Sen. Gil Puyat Avenue Makati City
Fax	(632)8897-7997

IV. Procedures

1. Handling and Evaluation of the Written Report

- a. The whistleblower shall submit a written report addressed to the ECC reporting channels;
- b. A proper written report shall include the following information:
- Full name and position of the person complained of
 - Specification of charge/s
 - Statement of the relevant and material facts, including the approximate time and place of commission of act being reported
 - All supporting evidence including affidavits of witnesses, if any
 - Contact details of the whistleblower (email address, mobile number, etc.)
- c. All written reports shall be evaluated by the ECC Administrative Complaints Committee within 20 working days from receipt thereof (GCG MC No. 2019-002, s. 2019, RA 11032). This period may be extended for such time that the papers or documents required from the office/department are not submitted.
- d. In the course of the evaluation, the committee may proceed with the investigative process;
- evidence gathering tasks to information analysis
 - theory development and validation to forming reasonable grounds to believe
- e. The result of the investigation and the recommendation of the Investigating Committee shall be submitted to the disciplining authority for approval, within fifteen (15) working days after the formal investigation

has been terminated. The disciplining authority shall render a decision within thirty (30) working days from receipt thereof.

2. Motion for Reconsideration

A motion for reconsideration of the decision may be filed by the party adversely affected thereby within fifteen (15) days from receipt of a copy thereof.

In resolving the motion for reconsideration, the disciplining authority should require the comment of the other party and within thirty (30) days from receipt of said comment, resolve the same.

3. Appeal

The party affected by the decision on the motion for reconsideration may file within fifteen (15) days from receipt of a copy thereof to the proper appellate bodies.

4. Prescriptive Period

The whistleblower may still submit a written report within one (1) year from the time the incident happened.

5. Confidentiality

- a. The ECC Administrative Complaints Committee shall ensure confidentiality of all information arising from whistleblowing written reports submitted pursuant to this Office Order. It shall treat all reports, including the identity of the whistleblower and the person/s complained of, in a confidential and sensitive manner, unless compelled by law or the Courts to be revealed, or unless the whistleblower authorized the release of his/her identity.
- b. The committee shall ensure that the identity of the whistleblower may not be disclosed without the individual's consent.
- c. The whistleblower may remain anonymous. The whistleblower can only be contacted if he/she decides to create an anonymous account. This allows the ECC Administrative Complaints Committee to contact the whistleblower if necessary, without exposing him/her to any risk of retaliation

6. Protection of a Whistleblower Against Retaliation

- a. The committee shall protect the whistleblower against retaliatory acts or any disadvantage suffered as a result of whistleblowing. Such retaliatory acts may include:
 - Discrimination or harassment in the workplace;
 - Demotion;

- Reduction in salary or benefits;
- Termination of contract;
- Evident bias in performance evaluation; or
- Any acts or threats that adversely affect the rights and interests of the whistleblower.

b. Any whistleblower who believes he or she has suffered injury to his or her rights shall be entitled to a fair hearing before an impartial forum with full rights of appeal.

7. Untrue Allegations

Whistleblowers who shall make false, fabricated or malicious allegations against ECC officials and employees shall be filed a legal action.

V. SEPARABILITY CLAUSE

If any provision of this Order is held unconstitutional or invalid, other provisions not affected thereby shall remain valid and binding.

VI. SUSTAINABILITY OF IMPLEMENTATION AND AMENDMENTS

This policy and its implementation shall be regularly reviewed and monitored and its evaluation shall be conducted on an annual basis.

Please be guided accordingly.


STELLA Z. BANAWIS
Executive Director

17 June 2022
City of Makati