



OIG Office of Inspector General
U.S. Department of State - Broadcasting Board of Governors

Whistleblower Protection at the Department of State & BBG

July 16, 2015




Whistleblower Protection Ombudsman

- The Whistleblower Protection Enhancement Act of 2012 requires every Inspector General to designate a Whistleblower Protection Ombudsman.
- The Ombudsman's main function is to educate employees about prohibitions on retaliation for protected disclosures and the rights and remedies against retaliation.
- However, the Ombudsman may not act as a legal representative, agent, or advocate of an employee.





Whistleblower Protection at State


- Inspector General Steve Linick created a new office, Evaluations and Special Projects (ESP), to handle OIG's role in whistleblower protection.
- OIG has undertaken an educational campaign to educate State Department and BBG employees on whistleblower protection.

 **Educational Campaign**


- New Hotline Poster
- Educational Video
- Whistleblower Pamphlet
- Individual Counseling


 **Hotline Poster**




 **Hotline Poster**

- Poster contains information not only on hotline but on protections against retaliation.
- At OIG's request, the Department sent the poster to every post around the world and instructed it to be placed in common work areas.
- The Federal Acquisition Regulation (FAR) requires certain contractors to display the poster.


 **Educational Video**



https://www.youtube.com/watch?v=wXTPH_PV8u0

 **Whistleblower Pamphlet**

- OIG's Office of Inspections conducts a physical inspection of every Department and BBG post and office on a cyclical basis and interviews every employee as part of the inspection.
- OIG auditors and investigators also speak to employees on a regular basis, some of whom are anxious about assisting the OIG.

 **Whistleblower Pamphlet**

- The pamphlet will contain information about whistleblower protection and frequently-asked-questions, such as what is a whistleblower and where to go for help.
- The pamphlet will contain information for both federal employees and contractor and grantee employees.



Whistleblower Pamphlet

- The pamphlet be handed out by OIG's auditors, inspectors, and investigators to employees with whom they meet.
- OIG will also request the Department and BBG include the pamphlet in new employee orientation packets.



Confidentiality Agreements

- In 2014, concerns were raised over the use of confidentiality agreements by federal contractors.
- For example, one company required employees who were interviewed following a report of a violation of the company's Code of Business Conduct to sign an agreement that prohibited "discussing any particulars regarding this interview and the subject matter discussed during the interview, without the specific advance authorization of counsel."



Confidentiality Agreements

- Another company used a separation agreement that prohibited employees from providing any negative information to several parties, including funding agencies and the federal government.
- OIG initiated an inquiry of the top 30 companies with the largest amount of State Department contracts to determine if they used such confidentiality agreements.



Confidentiality Agreements

- OIG's review found that none of the 30 contractors had used similar provisions.
- However, several had provisions that could have a chilling effect on employees who wished to report fraud, waste, or abuse.



Confidentiality Agreements

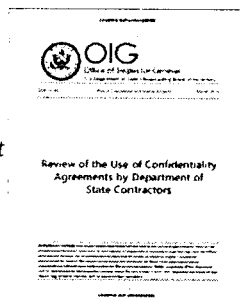
The chilling provisions included:

- Requirements to notify the company if contacted by a government investigator
- Non-disparagement agreements



Confidentiality Agreements

OIG issued a public report on our findings, *Review of the Use of Confidentiality Agreements by Department of State Contractors* (ESP-15-03, March 2015)





Confidentiality Agreements

- The report also described some best practices to encourage employees to report fraud, waste, or abuse.
- These practices were developed from a review of social science literature.



Confidentiality Agreements

These best practices include:

- An internal hotline that allows employees to anonymously or confidentially report fraud or violations of law or company policy;
- Display of posters with the hotline information in contractor workspaces;
- Incorporation of the protections for whistleblowers in the Federal Acquisition Regulation into employee handbooks or policies;
- Policies that notify employees of their right to contact the government directly; and
- Incorporation of a statement into a code of ethics or an employee handbook that it is corporate policy to cooperate with government audits and investigations.



Questions?

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