

Misconduct Disclosure Scheme



ACFID - 16th November 2023

Misconduct Disclosure Scheme

Update

- **230 organisations** have joined the MDS since its launch in 2019, of which **59** since the beginning of 2023.
- Lawsuits/legal complaints related to the use of the Scheme remain **0 – no proof of increased legal risks.**
- **2 UN agencies** are finalising internal steps to join the MDS.
- **Poor managing of SEAH** instances remain the highest risk in this area.



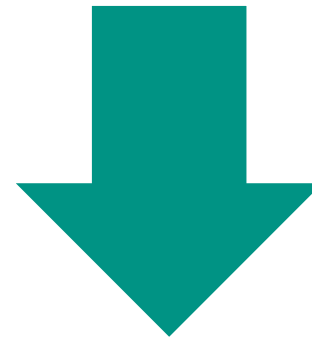
Legal / Data Protection

- Bilateral exchange of data, limited to recruitment phase
 - Data protection policies (data retention and access) and DPIA.
 - Transparent communication and consent request.

- Labour Laws
 - Same limitations as reference exchange.
 - Adaptations/adjustments possible.

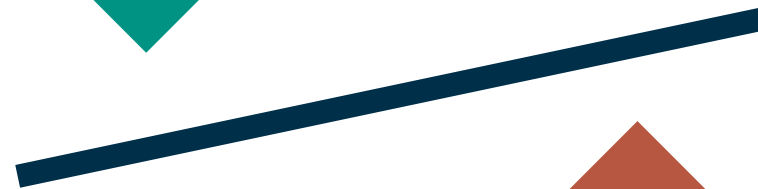
A note on risk perception

Which **weights** more?
Which is more **visible**?



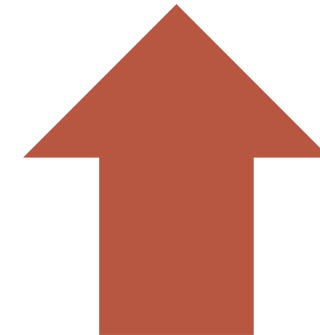
Making checks

- Legal exposure
- Small financial risk (e.g. if sued)
- Risk of wrong assessments



Not making checks

- People we work with suffer abuse
- Huge reputational risk
- Huge financial risk
- Legal exposure



Implementation learning

- Very **specific focus of the MDS**, but its effectiveness is closely connected to overall P-SEAH processes.
- **Resource impact** at an initial phase of implementation
- Process integration, allow for a **test/piloting phase**.
- **Network support** to ensure uniformity (DRA example).

Challenges

