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## **CODE OF CONDUCT AGAINST CORRUPTION**

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Version: 18.4.2011  
HELLETAS Swiss Intercooperation, Zurich

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### **1. Purpose, Definition and Scope**

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Corruption impedes an efficient fight against poverty and inhibits the sustainable development of a country. Where corruption occurs, the impact of the work of HELLETAS Swiss Intercooperation is reduced.

Active prevention of corruption and consequent anti-corruption measures contribute to forestall corruption. HELLETAS Swiss Intercooperation understands its engagement against corruption as a contribution to effective poverty reduction and to a purposeful, contractually and legally correct employment of the entrusted means.

The Code of Conduct against corruption explicitly formulates the stance of HELLETAS Swiss Intercooperation regarding the problem of corruption and defines individual and institutional rules. These rules are mandatory for all collaborators of Helletas, regardless of whether they are employees, volunteers or consultants.

The Code of Conduct is supposed to contribute to:

- further sensitise the collaborators and partners of HELLETAS Swiss Intercooperation about the problem of corruption,
- bolster them in difficult situations and assure others of our commitment and thereby prevent corruption,
- define the procedures and responsibilities in case of suspicion.

The Code of Conduct is an integral component of employment and partnership contracts with HELLETAS Swiss Intercooperation. Signing the present Code of Contact confirms that the collaborator or partner of HELLETAS Swiss Intercooperation understands the formulated guidelines and commits to act in accordance with them.

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## 2. Principles

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- **Zero tolerance**

HELVETAS Swiss Intercooperation prohibits all forms of corruption.

- **Security**

Only the security of employees stands above the zero tolerance principle.

- **Confidentiality**

Individuals who express a suspicion are protected. Information concerning a suspicion is confidential. The presumption of innocence applies to suspicious persons.

- **Rigorous sanction**

If a case of corruption is proved, involved employees are to be sanctioned.

- **Create transparency**

The different stakeholders are informed openly about uncovered cases of corruption. Thereby the protection of whistleblowers has to be maintained.

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## 3. Individual Rules of Conduct

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2.1 The collaborator XX / the partner organisation XX agrees to apply the entrusted resources and competences dutifully and to fulfil the assignment in a legal, reliable, credible, effective, target-oriented and efficient way.

2.2 The collaborator XX / the partner organisation XX agrees to comply with the law and the internal regulations of the organisation.

2.3 Embezzlement, misappropriation, theft, fraud, dishonest procurement, as well as all forms of corruption are prohibited.

**In Helvetas' understanding, corruption covers all forms of use of resources and competences which are contrary to duty and/or illegal and which aim at the illicit preferential treatment of persons or groups.** Corruption can adopt different forms. Particularly, there is a distinction between **coercion, active and passive bribery, as well as granting and receiving advantages** (see Annex 1: Definitions).

HELVETAS Swiss Intercooperation prohibits accepting or offering gifts, hospitality and reimbursement of expenses which are inadequate. A defined upper limit is defined in each programme country and in the Head Offices in Switzerland. Inadequate gifts and compensations have to be reported to one's superior.

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## 4. Institutional Rules

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### Prevention in staff recruitment and employment

- 3.1 **Reference information:** In the recruitment of new collaborators, special attention has to be given to minimise the risk of corruption and misuse. In particular, it has to be assured that future employees have an impeccable reputation regarding this issue, and that they are not subject to special social dependencies which could lead to corruption. References of former employers should be taken into account whenever useful and possible.
- 3.2 **Information of collaborators:** Superiors must ensure that new collaborators are informed about the Code of Conduct against corruption during their induction and that they consent to it with their signature. The signed Code of Conduct has to be filed in the personnel dossier; the collaborator receives a copy.

### Prevention in Direction and Project Management

- 3.3 **Prevention of corruption as a leadership responsibility:** Superiors attach importance to the prevention of corruption and abuse of power. They promote the sensitisation of collaborators and project partners regarding the problem of corruption and misuse and guarantee that they know the rules of the Code of Conduct. The superiors ensure that the control and prevention tools, regulations and processes defined for each area are complied with and improved where appropriate.
- 3.4 **Protection of collaborators:** If necessary, superiors will take measures to protect collaborators from pressure of third parties.
- 3.5 **Selection of project partners:** HELVETAS Swiss Intercooperation screens possible project partners carefully before starting collaboration. The issue of corruption and the corresponding rules are broached actively. HELVETAS Swiss Intercooperation supports its partners actively in their efforts to fight corruption. Contracts with partner organisations include an anti-corruption clause (see Annex II: anti-corruption clauses for partner organisations and consultants).
- 3.6 **Training:** The topic of corruption is addressed within the frame of the internal competence building for collaborators.
- 3.7 **Reporting of suspicions:** Reporting of suspicions is decisive for an efficient fight against corruption. Cases of corruption are normally detected quickest in the immediate environment where they occur. Superiors provide for a working atmosphere which allows collaborators to report any cases of corruption and abuse of power. By means of adequate measures, they ensure that collaborators are able to report suspicions without fear of reprisal.
- 3.8 **Protection of whistleblowers:** HELVETAS Swiss Intercooperation ensures that persons which report suspicions in good faith are not put at a disadvantage. Their identity is kept secret as far as possible and as long as necessary, also after the ending of an investigation.
- 3.9 **Protection of suspects:** HELVETAS Swiss Intercooperation ensures that in cases of suspicion the reputation of suspects is not damaged unnecessarily. Persons who maliciously raise suspicions or damage the reputation of suspects are sanctioned.

### Procedure in cases of suspicion

- 3.10 **Registration office for whistleblowing:** If collaborators or partner organisations have reason to suspect corruption within the activities of HELVETAS Swiss Intercooperation, they are obliged to report it immediately. They can contact their superior, the Programme Director or the central registration office at the Head Offices (e-mail: [anticorruption@helvetas.org](mailto:anticorruption@helvetas.org)). The reporting system for suspicions of corruption is described in Annex III.
- 3.11 **Impartial investigation:** The officer responsible for anti-corruption measures initiates an investigation which is adequate with the context and the suspected scope of the case. He/she provides for the investigation bodies to work independently and impartially.
- 3.12 **Preventive suspension:** The Programme Director or the Executive Director can order the suspension of the suspected collaborator for the investigation period. The direct superior as well as the Programme Coordinator have to be consulted in advance. The suspension is not a disciplinary action or an accusation but aims at facilitating the investigation.

### Procedure in case of infringement

- 3.13 **Mandatory sanction:** If the suspicion is confirmed and the collaborator is guilty of corruption, adequate sanctions are imposed and legal measures are taken if necessary.
- 3.14 **Competence of sanction:** The Programme Director decides on the sanction of an infringement of collaborators abroad, and the Programme Coordinator is consulted. The Executive Director is responsible for decisions regarding collaborators in Switzerland.
- 3.15 In case of **minor infringements**, a reprimand is pronounced and noted in the personnel dossier. Recurrence is sanctioned with dismissal.
- 3.16 In case of **serious infringements**, the collaborator is released immediately and dismissal is pronounced.
- 3.17 **Exemption of sanctions:** In case of infringements, sanctions will not be applied if the two following conditions are met:
- The objective of the action is to protect a greater good (e.g. saving lives).
  - The superior has been consulted in advance or informed immediately.
- 3.18 **Possibilities of recourse:** If a decision in a programme country entails legal measures regarding personnel, the Programme Coordinator can be consulted. Corresponding decisions of the Executive Director can be reviewed by the Management Committee. The official legal recourses remain valid.
- 3.19 **Information in case of sanctions:** The anti-corruption officer at the Head Offices and the Programme Coordinator are informed about sanctions of national collaborators. In case of sanctions against international collaborators, the head/s of the department and the team leader Human Resources team at the Head Offices are also informed. The infringement and the sanction can be communicated within the organisation as well as externally.

The present Code of Conduct has been approved by the Management Committee on April 11<sup>th</sup>, 2011. It comes into force on June 1<sup>st</sup>, 2011.

Zurich, 15 April 2011

**HELVETAS Swiss Intercooperation**

Melchior Lengsfeld



Executive Director

Remo Gesù



Deputy Executive Director

Read and understood by:

The employee

Date

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## Annex I: Definition: Corruption

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**For Helvetas corruption covers all forms of use of resources and competences which is contrary to duty and/or illegal and which aim at illicit preferential treatment of persons or groups.**

Corruption can adopt different forms. Particularly, there are distinctions between coercion, active and passive bribery, as well as granting and receiving advantages.

**Coercion:** A person is guilty of coercion when he/she forces somebody to do something or not to do something or to condone something by means of violence or threat of severe disadvantages.

**Active bribery:** A person is guilty of active bribery when he/she offers, promises or allows an undue advantage to representatives of authorities, companies, partner organisations, etc. for a certain (official/contracted) act which is contrary to duty or at one's discretion.

**Passive bribery:** A person is guilty of passive bribery when he/she demands or accepts an undue advantage for an act which is contrary to duty or at one's discretion.

**Granting an advantage:** A person is guilty of granting an advantage when he/she offers, promises or allows an undue advantage to representatives of authorities, companies, partner organisations, employees, etc. regarding their future conduct as office holders.

**Accepting an advantage:** A person is guilty of accepting an advantage when he/she demands or accepts an undue advantage regarding his/her own future conduct as a representative of HELVETAS Swiss Intercooperation. Undue advantages include all material and immaterial advantages which surpass what is socially accepted and which are more than insignificant.

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## Annex II: Anti-corruption clauses for partner organisations and consultants

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**Contracts with partner organisations:** The following anti-corruption clause is included in all future cooperation agreements with partner organisations:

*“The contracting parties shall neither offer or give any kind of advantage to a third party either directly or indirectly, nor directly or indirectly receive, accept or let themselves promise any gifts, payments or other advantages which are or could be considered as an illegal or corrupt practice. Helvetas reserves the right to cancel the contractual relationship in case of infringement, suspend payments, reclaim former payments and report the offense. HELVETAS Swiss Intercooperation reserves the right to control the entire project income and expenditure of partner organisations and, if necessary, demand an extraordinary external audit.”*

**Contracts with consultants:** The following anti-corruption clause is included in all future contracts with consultants:

*“The contracting parties shall neither offer or give any kind of advantage to a third party either directly or indirectly, nor directly or indirectly receive, accept or let themselves promise any gifts, payments or other advantages which are or could be considered as an illegal or corrupt practice. Helvetas reserves the right to cancel the contractual relationship in case of infringement, suspend payments, reclaim former payments and report the offense.”*

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## **Annex III: Registration system in case of suspicion of corruption**

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### **Central registration office for suspicions of corruption**

The officer responsible for anti-corruption coordinates the implementation of the anti-corruption programme of HELVETAS Swiss Intercooperation at the Head Offices. At the same time, this person shall act as the central registration office in case of any suspicion regarding corruption. Any suspicion can be reported directly to this office which shall also be informed of any other persons who have previously been notified of the matter. The e-mail address and telephone number of the central office can be found on the Intranet and Helvetas website. If reports reach other offices, it is mandatory for them to inform the central registration office. The central registration office will handle all reports in a confidential manner.

### **Reporting suspicions of corruption in a programme country**

Collaborators in programme countries normally report suspicions of corruption to their superior or directly to the Programme Director. The Programme Director will start an investigation which is adequate to the context and scope of the case and immediately informs the central registration office about the suspicion. The bodies that have been entrusted with the investigation work independently and impartially and report to the Programme Director copying in the central registration office.

If a suspicion cannot be reported to the Programme Director or to another office of trust in the programme country, the central registration office can be informed directly. In this case, the central registration office informs the Head of the Finance Department at the Head Offices who will assume the corresponding responsibilities and competences of the Programme Director.

### **Reporting suspicion of corruption at Headquarters**

Collaborators at the Head Offices report suspicions of corruption to the Executive Director, sending a copy to the central registration office and if possible to the concerned Head of Department. The Executive Director immediately initiates an investigation which is adequate to the context and scope of the case. The bodies which have been entrusted with the investigation work independently and impartially and report to the central registration office.

If a suspicion cannot be reported to the Executive Director, the central registration office informs the Delegate of Finance of the Board of Directors who will assume the corresponding responsibilities and competences of the Executive Director. If necessary, the Delegate of Finance of the Board of Directors can be informed directly.