

ACT Alliance CODE OF CONDUCT POLICY

For the prevention of misconduct, including corruption, fraud, exploitation and abuse, including sexual; and to ensure child safeguarding

For all permanent and temporary staff of ACT members and the ACT Secretariat, their dependents, interns, consultants, observers, volunteers, and any other individuals working for or representing the ACT members and its secretariat

*Approved by the ACT Alliance Executive Committee in October 2016,
this Code of Conduct replaces the February 2011 Code of Conduct*

Key terms and definitions

Child or minor: a person under the age of 18 (as defined by the Convention of the Rights of the Child).

Child safeguarding: the set of internal facing, business critical policies, procedures and practice that ACT Alliance employs to ensure that it is child safe. This includes ensuring that:

- All staff behave appropriately towards children and never abuse the position of trust that comes with their employment.
- All staff are aware of and respond appropriately to issues of child abuse and the sexual exploitation of children.
- The ACT Alliance creates a child-safe environment in all activities by always assessing and reducing potential risks to children.
- All staff are driven by the duty of care to children.

Complainant: the person making the complaint, including the alleged survivor of the misconduct or another person who becomes aware of possible misconduct. Staff have an obligation to report any knowledge, suspicions, or concerns of breaches of this Code of Conduct through appropriate channels within the ACT Alliance (whistleblowing policy). This includes any suspicion of sexual exploitation and abuse.

Corruption: abuse of trust, power or position for improper gain (Sida, 2016)

Dependents: any individual accompanying a staff member to be based abroad and living on premises which are rented or belong to the organisation.

Discrimination: exclusion of, treatment of, or action against an individual based on social status, race, ethnicity, caste, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

Exploitation: using one's position of authority, influence or control over resources, to pressure, force or manipulate someone by threatening or coercing them with negative repercussions such as withholding project assistance, not giving due consideration to a staff member's work support requests, threatening to make false claims about a staff member in public, etc.

Fraud: an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an ACT Alliance's financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit. Fraud is a criminal deception or the use of false representations to gain an unjust advantage.

Informed consent: permission given with reasonable knowledge of the risks involved, potential consequences and available alternatives.

Misconduct: any breach by staff of applicable national or international law as well as contraventions of the ACT Alliances' internal rules or policies including this Code of Conduct, regulations or other instructions issued by the relevant manager or authority including contextualised security provisions and sexual harassment policies.

Protection: ensuring that individual basic human rights, welfare and physical security are recognized, safeguarded and protected in accordance with international standards.

Sexual abuse: the actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions (United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse).

Sexual exploitation: any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse).

Staff: Refers to but is not limited to all permanent and temporary staff, their 'dependents' (as defined in this document), interns, consultants, observers, volunteers, and all individuals working for or representing the ACT members and its secretariat.

1. Introduction

Members of the ACT Alliance and the ACT Secretariat have a common commitment to prevent misconduct and to safeguard children. ACT members, together with their partners, support or implement humanitarian, development and advocacy programmes in more than 120 countries around the world. Staff of ACT members and staff of the ACT Secretariat are personally and collectively responsible for upholding and promoting the highest ethical and professional standards in their work.

The management of every ACT member organisation and the ACT Secretariat have a responsibility to ensure that all staff are aware of this Code of Conduct, that they understand what it means in concrete behavioural terms and how it applies to their programme context. Dissemination of this Code of Conduct is supported by ACT guidance and policy documents, namely, the ACT Alliance Guidelines for the Prevention of Sexual Exploitation and Abuse, ACT Child Safeguarding Policy and Policy Guidance Document and the ACT Alliance Guidelines for Complaints Handling and Investigations.

The Code of Conduct applies to all the work performed by all members of the ACT Alliance and defines required behaviour of staff.

2. Scope and purpose

The main purpose of this Code of Conduct is to promote greater accountability and outline the key responsibilities of staff. It seeks to protect all staff as well as every community member whom the ACT Alliance seeks to assist. All staff must be mindful that each action in the respective context can have repercussions for the fate of many.

The following standards apply to all staff, including but not limited to all permanent and temporary staff, their dependents, interns, consultants, observers, volunteers, and any other individuals working for or representing the ACT Alliance and its secretariat.

It is recognised that some ACT member organisations have comprehensive Codes of Conduct that espouse the principles of the ACT Code of Conduct and in some cases exceed the ACT commitments outlined in this document. In such cases, ACT members should share their Code of Conduct with the ACT Secretariat and jointly discuss and agree on which document should be signed by its organisations staff.

3. Standards of behaviour

To uphold and promote the highest ethical and professional standards, staff shall at all times:

- a) Respect and promote fundamental human rights without discrimination and act with integrity.
- b) Respect and abide by national and international laws.
- c) Treat all communities the ACT Alliance seeks to assist (including crisis-affected populations, internally displaced persons and refugees), fairly and with respect, courtesy, dignity and according to international laws and standards.
- d) Positively represent the ACT Alliance.
- e) Maintain an environment that prevents misconduct and promotes the implementation of this Code of Conduct. Managers at all levels have particular responsibilities to support and develop systems that

maintain this environment.

- f) Promote safe and confidential reporting of serious concerns about suspected misconduct following ACT Alliance guidelines.
- g) Report immediately any knowledge, concerns or substantial suspicions of breaches of this Code of Conduct following ACT Alliance guidelines or to her/his line manager. Be aware that failure to disclose or knowingly withholding information about any reports, concerns or substantial suspicions of breaches of this Code of Conduct constitutes grounds for disciplinary measures.
- h) Cooperate when requested with any investigation into alleged breaches related to this Code of Conduct.

4. Misconduct

Any breach of this Code of Conduct is a form of misconduct, and, if substantiated, will lead to disciplinary measures up to and including termination of employment and/or legal action if required.

a) Violations of rules or regulations

Staff must not violate any internal rules or regulations, including but not limited to the following.

Staff must:

- i) Refrain from using or carrying about their person or in their luggage any weapons or ammunition.
- ii) Use IT technology for the appropriate professional or private use, ensuring not to violate this Code of Conduct.
- iii) Protect and safeguard any personal information collected from communities that could put them at risk by following the ACT Alliance's safeguarding systems.
- iv) Specifically for a child or children (including social media activities):
 - a) Obtain written permission or verbal informed consent from a parent/guardian of a child when taking a picture of a child in a portrait or individually or when extensive reporting is made of a child, and the child's face or name is visually identifiable in the photo/film footage. As part of this the general way in which the photograph or film will be used must be explained and the extent of the accompanying identification information agreed. (NOTE: where informed consent cannot be reasonably obtained, staff must limit the identifying details of the photographed subject.)
 - b) Obtain written permission or verbal informed consent from parents/guardians of children (ideally to be secured in advance of trip) when taking pictures/filming groups of children. As part of this, the general way in which the photograph/film will be used must be explained and the extent of the accompanying identification information agreed. (NOTE: Where photos/films that include children are taken spontaneously or unexpectedly, or where informed consent cannot reasonably be obtained, such as photographs/films footage of people escaping emergencies or of people taken from a distance, children should in these cases not be identifiable through the information accompanying the photo/film footage).

Staff must never:

- v) Discriminate against any individual.
- vi) Consume, purchase, sell, possess or distribute narcotic drugs.
- vii) Visit bars, restaurants or other premises where minors are exposed sexually.
- viii) Drive a vehicle when under the influence of alcohol or other substances.
- ix) Drink alcohol or use any other substances in a way that affects her/his ability to carry out her/his role or affects the reputation of the ACT Alliance.

b) Sexual exploitation and abuse

To protect all stakeholders in all situations, staff shall, while on duty and off duty, adhere to the following compulsory standards of behaviour:

Staff must:

- i) Inform his or her line manager when engaging in a long-term relationship with a member of the community which is benefitting from a development or advocacy programme and/or with another staff member of the ACT Alliance, to prevent perception of a conflict of interest in countries where the ACT Alliance and its partners undertake long-term development work. The relevant ACT Alliance member's management is the sole decision-maker on distinguishing a crisis situation from a long-term development situation.

Staff must never:

- ii) Sexually exploit or sexually abuse any individual.
- iii) Engage in any sexual activity with a child or children regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.
- iv) Act in ways that may place a child at risk of abuse, including not giving due consideration to assessing and reducing potential risks to children as a result of implementing activities. Behaviours and actions that are prohibited include, but are not limited to, using inappropriate language or behaviour when dealing with a child or children, bullying and harassing a child verbally or physically, physical punishment, exposing a child to pornography including on-line grooming and trafficking. Whenever possible avoid being alone with a child.
- v) Consume, purchase, sell, possess and distribute any forms of child pornography.
- vi) Exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes the buying of or profiting from sexual services as well as exchange of assistance that is due to right holders for sexual favours.
- vii) Exploit the vulnerability of any target group in the context of development, humanitarian and advocacy work, especially women and children, or allow any person/s to be put into compromising situations. Never abuse a position to withhold development or humanitarian assistance, or give preferential treatment; in order to solicit sexual favours, gifts, payments of any kind, or advantage.
- viii) Engage in sexual relationships with members of crisis-affected populations given their increased vulnerability and since such relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of aid work.

c) Fraud, corruption and unethical business practices

Staff must:

- i) Be transparent, accountable and honest in all work-related financial transactions. Budget leftovers must be re-allocated and approved in a transparent way.
- ii) Ensure that financial and other resources are used solely for the intended purpose.
- iii) Conduct all business in accordance with national and international laws and standards.
- iv) Declare any known or potential conflicts of interest to their line manager (e.g. direct relationship with service provider or suppliers of goods for humanitarian or development programmes, etc.).
- v) Always strive for the highest health, safety and environmental standards in all programme work.
- vi) Ensure, where possible, that goods and services purchased are produced and delivered under conditions that do not involve the abuse or exploitation of any persons and have the least negative impact on the environment.

Staff must never:

- vii) Steal, misuse or misappropriate funds, property or any other income.
- viii) Engage in abusive transactions, forging of documents, money laundering, taking of commissions or influencing tender process for benefit or illegal activities.
- ix) Take part in activities that generate personal, organisational or collective profit such as buying or selling when such activities may affect, or appear to affect, the ACT Alliance's credibility or integrity.
- x) Share the profits such as kickbacks, cuts or discounts for improper personal or organisational benefits.
- xi) Accept any gifts or other favours that may influence the performance of staff functions or duties. Gifts are defined as, but not limited to: services, travel, entertainment, material goods, among others. In order to respect national and local traditions and conventional hospitality, minor tokens and gifts can be accepted.
- xii) Use illegal labour, child labour or forced labour.
- xiii) Use or distribute known unsafe products or supplies in any development or humanitarian setting.

5. Complaints and disciplinary procedures

a) Complaints

A complaint can be submitted via email, letter or telephone or in person. Complaints should preferably be submitted by email to complaintsbox@actalliance.org. For further information on how to complain, consult the ACT Alliance website www.actalliance.org/complaints.

If a staff member purposely makes false or misleading allegations on any action by another staff, this is considered misconduct and will be subject to disciplinary action at the discretion of the employer.

b) Non retaliation and confidentiality

Stakeholders must be able to lodge their concerns without fear of reprisals or unfair treatment. As far as possible, the ACT Alliance will do its utmost to ensure that complaints are handled with confidentiality and without risking effects on employment or any form of reprisals and/or harassment as a result of highlighting

a genuine problem.

Confidentiality is crucial to achieving satisfactory results, as it protects the complainant, the subject of the complaint and other witnesses. The fact and nature of the complaints, the identities of those involved and documentation resulting from the investigation are to remain confidential and are only shared on a need-to-know-basis with the aim of performing the necessary administrative investigation.

c) Criminal records and former complaints

Individuals must notify their prospective employer of any criminal convictions or charges prior to employment and of any criminal charges that arise during her/his employment. Individuals must also notify their prospective employer of any former complaints concerning suspected or substantiated misconduct.

d) Disciplinary measures

Any upheld breach of this Code of Conduct will not be tolerated and may, in accordance with relevant legislation, lead to internal disciplinary actions, dismissal or even criminal prosecution. Such action may be taken against both staff and organisations depending on the nature of the problem, the results of the investigation and proposed measures. If the ACT member has not fulfilled an undertaking, action may be taken under the applicable agreement. If it emerges that an ACT member's staff is in breach of any applicable Code of Conduct, the ACT secretariat will enter into dialogue with the member and follow up on how the member deals with this.

6. Awareness and overall responsibility

ACT Alliance members and the ACT Secretariat have a responsibility to ensure that all their respective employees are aware of this Code of Conduct, that they understand what it means in concrete behavioural terms and how it applies to their programme context.

All staff have an individual responsibility to familiarize themselves and their dependents with this Code of Conduct and its purpose.

The Code of Conduct will be a mandatory element during induction and all other relevant trainings and briefings.

This document automatically forms part of all contracts of employment.

7. Adherence to the Code of Conduct

The ACT Code of Conduct is valid until the staff member ceases to represent or work for the ACT member or the ACT secretariat. This Code of Conduct shall be subject to periodic revision and review. The signatory accepts the consequences of any violation of any of the above provisions under this Code of Conduct Policy. All staff are required to sign the Code of Conduct.

Annex 1: Code of Conduct

Standards of behaviour

To uphold and promote the highest ethical and professional standards, staff (as defined in the ACT Code of Conduct Policy) shall at all times:

- a) Respect and promote fundamental human rights without discrimination and act with integrity.
- b) Respect and abide by national and international laws.
- c) Treat all communities the ACT Alliance seeks to assist (including crisis-affected populations, internally displaced persons and refugees), fairly and with respect, courtesy, dignity and according to international laws and standards.
- d) Positively represent the ACT Alliance.
- e) Maintain an environment that prevents misconduct and promotes the implementation of this Code of Conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.
- f) Promote safe and confidential reporting of serious concerns about suspected misconduct following ACT Alliance guidelines.
- g) Report immediately any knowledge, concerns or substantial suspicions of breaches of this Code of Conduct following ACT Alliance guidelines or to her/his line manager. Be aware that failure to disclose or knowingly withholding information about any reports, concerns or substantial suspicions of breaches of this Code of Conduct constitutes grounds for disciplinary measures.
- h) Cooperate when requested with any investigation into alleged breaches related to this Code of Conduct.

Misconduct

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b) Sexual exploitation and abuse

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Staff must never:

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- v) Consume, purchase, sell, possess and distribute any forms of child pornography.
- vi) Exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes the buying of or profiting from sexual services as well as exchange of assistance that is due to right holders for sexual favours.
- vii) Exploit the vulnerability of any target group in the context of development, humanitarian and advocacy work, especially women and children, or allow any person/s to be put into compromising situations. Never abuse a position to withhold development or humanitarian assistance, or give preferential treatment; in order to solicit sexual favours, gifts, payments of any kind, or advantage.

- viii) Engage in sexual relationships with members of crisis-affected populations given their increased vulnerability and since such relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of aid work.

c) Fraud, corruption and unethical business practices

Staff must:

- i) Be transparent, accountable and honest in all work-related financial transactions. Budget leftovers must be re-allocated and approved in a transparent way.
- ii) Ensure that financial and other resources are used solely for the intended purpose.
- iii) Conduct all business in accordance with national and international laws and standards.
- iv) Declare any known or potential conflicts of interest to their line manager (e.g. direct relationship with service provider or suppliers of goods for humanitarian or development programmes, etc.).
- v) Always strive for the highest health, safety and environmental standards in all programme work.
- vi) Ensure, where possible, that goods and services purchased are produced and delivered under conditions that do not involve the abuse or exploitation of any persons and have the least negative impact on the environment.

Staff must never:

- vii) Steal, misuse or misappropriate funds, property or any other income.
- viii) Engage in abusive transactions, forging of documents, money laundering, taking of commissions or influencing tender process for benefit or illegal activities.
- ix) Take part in activities that generate personal, organisational or collective profit such as buying or selling when such activities may affect, or appear to affect, the ACT Alliance's credibility or integrity.
- x) Share the profits such as kickbacks, cuts or discounts for improper personal or organisational benefits.
- xi) Accept any gifts or other favours that may influence the performance of staff functions or duties. Gifts are defined as, but not limited to: services, travel, entertainment, material goods, among others. In order to respect national and local traditions and conventional hospitality, minor tokens and gifts can be accepted.
- xii) Use illegal labour, child labour or forced labour.
- xiii) Use or distribute known unsafe products or supplies in any development or humanitarian setting.

The signatory below has read, understood and is in agreement with the content of the ACT Code of Conduct Policy, and specifically the Code of Conduct as described above. This Code of Conduct is valid until the staff member ceases to represent or work for the ACT member or the ACT secretariat. This Code of Conduct shall be subject to periodic revision and review. The signatory accepts the consequences of any violation of any of the above provisions under this Code of Conduct. All staff are required to sign this Code of Conduct.

Name:

Position:

Signature:

Date:

Place: