

# Code of Conduct



2013

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## 1. INTRODUCTION

GAIN is an international organization that is committed to maintaining and promoting best practice in its everyday operations. Therefore, the highest standards of conduct are expected from all staff in their work.

This Code of Conduct (hereinafter referred to as the “Code”) has been developed in order to provide guidance towards compliance with such standards, and to demonstrate best practice in action, consistent with GAIN’s core values, Mission and Statutes.

While the Code provides a broad range of guidance about the standards of conduct, it does not (and could not) address every situation that staff members are likely to encounter. Consequently, each staff member remains responsible and accountable for exercising reasonable judgement and, when in doubt, for seeking and obtaining guidance.

## 2. APPLICABILITY

This Code applies to all staff members of GAIN, regardless of location. It also applies to interns and volunteers as well as individuals seconded by other organizations.

Any changes to this Code shall be subject to prior consultation with staff members and require the approval of the Executive Director. Consultants are required to adhere to this Code on a voluntary basis.

## 3. OUR APPROACH TO WORK

GAIN brings together individuals and groups from across the globe, and from many different disciplines. We are a highly motivated, creative global team in service to the organization, and we conduct our business with fairness, integrity and to the highest ethical standard.

We share a common approach to the work and objectives of the organization, which inspires and motivates the conduct of our every-day business along the following lines:

- We value the diversity and integrity of life;
- We take coherent and consistent action based on reasonable judgment and on an understanding of global, regional and local realities and issues;
- We welcome all stakeholders who share our values, Vision, and Mission,
- We are results-oriented and effective.

The principles and standards of conduct set forth in the Code are integral to a culture where integrity and conduct is recognized, valued and exemplified throughout.

## 4. OUR PRINCIPLES AND EXPECTED STANDARDS OF CONDUCT

The Code is organized around the following principles, each of which contains a set of basic standards of conduct:

- Integrity, trustworthiness and accountability
- Reliability and responsiveness
- Transparency
- Equality, inclusiveness and respect for the diversity of people
- Dignity

### 4.1. Integrity, trustworthiness and accountability

Staff members must carry out their work in a diligent and loyal manner, and must avoid or, if unable to do so, disclose to their line managers, any potential, perceived or actual conflicts between their personal interests and the interests of GAIN. All staff members are responsible for exercising utmost care and judgement to ensure that assets belonging or entrusted to GAIN are not misused or wasted. These assets include, but are not limited to, real and personal property, intellectual property rights and other rights, staff time, information and documentation, corporate opportunities and funds.

#### Standards of conduct

- Avoid any conflict of interest or, if unable to do so, disclose all ethical, legal, financial, or other conflicts of interest in respect of the organization, regardless whether such conflicts may be potential, perceived or actual. Conflicts of interest include, but are not limited to, the following instances:
  - I. Self-dealing and competing with the organization
  - II. Receiving financial or other significant benefits as a result of the staff member's position in GAIN
  - III. Influencing organizational decisions in a manner that leads to personal GAIN or advantage
  - IV. Pursuing existing or potential interests that impair or appear to impair staff members' independence and integrity in the discharge of their responsibilities to GAIN
- Ensure appropriate disclosure to and approval from the line manager when giving or accepting gifts and entertainment
- Preserve the assets and resources of GAIN and ensure their prudent, efficient and effective use so as to contribute to its financial health and to its reputation as an eminent environmental organization
- Promote the organization's interests, objectives and values in a diligent and professional manner
- Respect the organization's assets, resources and property rights and refrain from putting them to private use
- Engage in transparent accounting and reporting and adhere to independent auditing and reporting standards, in financial as well as in other matters connected to your employment duties.

## 4.2. Transparency

Protecting and promoting the free flow of accurate and complete information are essential to serve the interests of our members and partners, and are a responsibility of line managers towards their staff. Building trust and contributing to informed and responsible decision making entail conducting business in a transparent manner, refraining from deceptive or fraudulent acts and practices, keeping accurate records and making timely and complete disclosure of material information, subject to relevant obligations of confidentiality and data privacy protection.

### Standards of conduct

- Provide clear guidance by making sure that the objectives and desired measurable results are formulated for and understood by all supervised staff
- Communicate with supervised staff and team members, sharing relevant work information in a timely manner and giving impartial, honest and timely feedback
- Make decisions known promptly to staff who are materially affected by them
- Provide honest, relevant, accurate, and timely information to all members and partners and act promptly to correct inaccurate communications
- Refrain from participating in or condoning bribery, nepotism or other forms of corruption
- Refrain from acquiring information by dishonest or unlawful means
- Respect privacy and protect confidential information
- Deal with public authorities lawfully and in good faith
- Communicate and consult with communities whose environment, health and safety are affected by the work of the organization.

## 4.3. Reliability and responsiveness

Commitments should be honoured. This requires the exercise of sound judgment when making commitments so as not to promise more than one is capable or authorized to deliver, and then the necessary follow-through to deliver on promises, agreements, and other undertakings. This also implies that staff members are expected to seek delivery of commitments made to GAIN.

### Standards of conduct

- Honor commitments and agreements made by GAIN, and make all appropriate and reasonable efforts to ensure that commitments and agreements made by others to/with GAIN are also honored
- Inform partners in a timely and thorough manner when commitments and agreements would not be achieved in accordance with the engagements made previously
- Deliver products and services in compliance with contractual terms and conditions
- Pay suppliers and partners on time and in accordance with agreed terms
- Consider partners' and members' requests, suggestions and complaints
- Respond promptly to staff members' requests and complaints

#### 4.4. Equality, inclusiveness and respect for the diversity of people

GAIN is an organization that values and respects diversity, and strives to achieve its objectives in the firm belief that individuals and groups of people may hold different and diverging views on conservation and development as well as on non-conservation issues, such as culture and faith.

GAIN strives to deal with all partners, members and staff fairly and equitably, and avoids undue discrimination in employment and contracting. Organizational policies and practices shall be aimed at creating a workplace where individuals have the opportunity for professional and personal growth, commensurate with their professional capabilities and personal goals.

##### Standards of conduct

- Guarantee freedom of expression, promoting a responsible and constructive exchange of views, criticisms and ideas
- Understand and accept cultural diversity, and provide a tolerant, positive and supportive working environment that fosters respect for diversity, all to the benefit of GAIN
- Treat no individual less favourably than others because of culture, colour, national or ethnic origin, gender, marital or other family status, sexual orientation, socio-economic status, age, disability, political and/or religious belief or lack thereof
- Provide equal opportunities in all human resources aspects and comply with relevant laws and regulations
- Ensure that all staff are evaluated for performance in a fair, uniform and timely manner and that they are recognized, promoted and rewarded accordingly
- Identify and remove when reasonably possible those obstacles that prevent the best performance of staff
- Offer fair and reasonable compensation, according to the labour market and the financial capacity of GAIN
- Deal fairly in all transactions, providing equal opportunity to similarly situated members, partners and suppliers
- Identify and include individuals and groups with an interest in GAIN's activities which GAIN reasonably deems to be legitimate.

#### 4.5. Dignity and personal values

Staff members have the obligation to protect and promote the organization's interests, but they are expected to do so with due respect for other peoples' dignity and personal values. Staff members must refrain from jeopardizing or infringing the physical and mental health, safety, privacy and human rights of others; refrain from any kind of coercion or harassment; and adopt practices that enhance human value and development in the workplace.

##### Standards of conduct

- Take all necessary measures to avoid jeopardizing staff members' physical and mental health and safety while on duty and provide appropriate insurance coverage
- Make all efforts to ensure that staff members have an appropriate work-life balance and that working hours and public holidays specified in the Conditions of Service are thoroughly respected
- Be respectful to others and refrain from any kind of harassment, abuse of authority or retaliation
- Respect, support and protect dignity, integrity and human rights of all staff members and adopt appropriate work practices to that end
- Refrain from condoning any direct or indirect use of forced labour, child labour and/or any other abusive labour practices, in compliance with the ILO Convention 29 on forced labour as well as the ILO Conventions 138 and 182 regarding child labour.
- Work with partners and suppliers whose employment practices respect dignity, personal values and human rights and international labour standards on health and safety

#### 4.6. Environmental responsibility

A key component of GAIN's mission is its commitment to help societies conserve the integrity and diversity of nature and to ensure the sustainable use of resources. GAIN is committed to demonstrating that it is an environmentally responsible organization by actively considering the consequences of decisions, policies and actions on the environment and climate change.

##### Standards of conduct

- Demonstrate the commitment of the organization towards sustainability and environmental excellence in all business activities by identifying and adhering to environmental best practice, and by leading by example
- Ensure that business decisions, particularly those including procurement and transport, reflect the need to minimize the ecological footprint of the organization
- Work with partners and suppliers whose practices abide by environmentally sound standards and criteria and with those who actively strive towards the adoption of such practices or where GAIN sees an opportunity for change, in line with programmatic engagement and delivery.

## 5. ROLES AND RESPONSIBILITIES

All GAIN staff members have the obligation to read and acknowledge the principles and standards of conduct set forth in this Code, and to raise any issues and concerns pertaining to the Code through appropriate channels as provided for hereunder. All line managers have the obligation to consider seriously all reports of misconduct made by staff, and to assist staff members in these matters by providing information and advice and by responding to staff queries and concerns. All staff members are responsible for:

- reading, acknowledging and putting into practice the principles and standards established in this Code; and

- when in doubt about the implications of an action or an omission, seeking clarification and advice

Line managers are also responsible for:

- addressing and clarifying issues that are brought to their attention;
- leading by example by putting the Code into practice on a daily basis;
- ensuring that their direct reports are aware of the Code's existence and content;
- promoting the application of the Code by their direct reports on a daily basis; and
- ensuring that reports of misconduct brought to their attention are properly reported as per the process defined below.

Human Resources are responsible for:

- ensuring ultimately that staff are aware of the contents and objectives of the Code; and
- assisting line managers in the process of staff education and development concerning the Code.

The Executive Director has overall responsibility for:

- guaranteeing fair treatment with regard to the application of the Code;
- ensuring the appropriate organizational response in the case of reported or suspected misconduct;
- ensuring all reasonable allegations are treated seriously and systematically, and properly investigated; and
- determining the course of action.

## 6. WHERE TO GO FOR HELP

To report a case of misconduct, you should take the following steps:

- i. Reports of what you reasonably believe to be misconduct shall be made in writing and must be factual and not speculative, conclusive or judgemental and must provide all the information of which you have knowledge in order to allow for the appropriate assessment of the nature, extent and urgency of the necessary inquiries and other procedures.
- ii. You should not contact the suspected perpetrator to get facts or demand restitution, discuss the case facts or allegations with anyone inside or outside the organization other than those to whom the concern has been reported or attempt to personally conduct investigations or interviews.
- iii. Normally, a concern of misconduct should be reported to your line manager. However, if the concern in question concerns your line manager, you can directly contact the Senior Manager, HR.

If you are in doubt as to the implications in a given instance, seek guidance or clarification before you act. It is your duty to report what you, reasonably and in good faith, believe to be misconduct by other GAIN staff members. Any staff member who has knowledge of misconduct and fails to report it as provided for hereunder may be

subject to disciplinary action, it being understood that wilfully false reports of misconduct may also constitute grounds for disciplinary action.

## **7. DETERMINING THE APPROPRIATE COURSE OF ACTION**

The Senior Manager for HR will ensure that there is an appropriate organizational response to reports of misconduct. For that purpose, the following systematic steps will be taken:

- i. Line managers are required to prepare a written report of the details of any suspected case of misconduct that has been reported to them, and provide it to the Senior Manager, HR.
  - a. The Senior Manager, HR will perform a review of any report submitted to him/her and will ask for additional information where deemed necessary in order to provide a complete report to the Executive Director.
  - b. If the case in question involves fraud, the Senior Manager, HR will follow the policy established in the GAIN Fraud and Corruption Prevention Policy.
  - c. If the case in question involves misconduct by the Senior Manager, HR, then it should be referred to the Executive Director directly.
- ii. The Executive Director will establish the necessary disciplinary actions or sanctions for misconduct, in accordance with local labour laws and regulations.
- iv. The Executive Director, may recommend that a case be referred to specific third parties for appropriate action, including contacting the relevant local authorities if the case in question involves misdemeanour under law.
- vi. Any decisions to contact police and/or external experts will be recorded. The final decision to involve the police and/or external experts will be that of the Executive Director.
- vii. The Senior Manager, HR will inform the individual(s) concerned of the allegations against him or her, and the course of action to be taken.

## **9. PROTECTION AGAINST RETALIATION**

GAIN is committed to protecting from retaliation those staff members who report, as provided for hereunder, what they reasonably and in good faith believe to be misconduct. For purposes of this Code, "retaliation" means any direct or indirect action that might be recommended, threatened or taken by any superior to the detriment of an employee who so engaged in reporting misconduct.

Retaliation against individuals who report misconduct (or otherwise cooperate with investigations or other GAIN inquiries) itself constitutes misconduct under the Code, as it violates the fundamental obligation of all staff members to uphold the highest standards of integrity and transparency in the best interests of GAIN.

Retaliation may include, without limitation, the following actions taken without legitimate reason or justification against an employee who made a misconduct report:

- adverse change in employment status, terms or conditions
- denial of adequate resources to perform duties in accordance with job description

- frequent and undesirable office changes
- failure to assign meaningful work in accordance with job description
- letters of reprimand
- unsatisfactory performance evaluations
- demotion or undesirable transfer or reassignment
- denial of promotion
- endorsing or otherwise condoning hostile conduct by another staff member

## **10. RELATED POLICIES**

This Code is to be read and applied in conjunction and consistent with the following resources:

- GAIN Fraud and Corruption Prevention Policy
- GAIN Terms and Conditions of Employment For Employees based in Geneva office, Switzerland
- GAIN Delegation of Authority Policy

## GLOSSARY

**Abuse of authority** The arbitrary or capricious exercise of power by staff member that adversely affects the rights of any person or that result in personal gain or advantage to them.

**Bribery** Bribery is the practice by which a person who can take decision or action on behalf of others, offers, gives, solicits or accepts an inducement or reward that may influence decisions or actions.

**Child labour** A child is considered to be involved in child labour activities under the following classification: (a) children 5 to 11 years of age that do at least one hour of economic activity or at least 28 hours of domestic work per week and (b) children 12 to 14 years of age that do 14 hours of economic activity or at least 42 hours of economic activity and domestic work combined per week.

**Conflict of interest** A situation in which the impartiality of an employee in discharging his duties could be called into question because of the potential, perceived or actual improper and impermissible influence of personal considerations, financial or other.

**Environmentally responsible** The act of assessing and considering the consequences, negative or positive, of decision, policies and actions, and making decisions that cause the least harm to environment and the people who depend on them.

**Forced labour** All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. (ILO C29, art.2.1)

**Fraud** The use of deception by an individual with the intention of obtaining an advantage for himself or herself or for another a third party or parties, avoiding an obligation, or causing loss to another party. Fraud includes offences such as, but not limited to, deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion.

**Corruption** - This means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to improperly influence the actions of another party. Corruption can take the form of active and passive bribery, facilitation payments, material or intangible benefits, undue advantages or acceptance of gifts, donations, nepotism, misappropriation of funds for personal gain, or coercion.

**Gifts and entertainment** They refer to gifts and/or other benefits of which the value exceeds the limit established in this document.

**Harassment** Repeated, unreciprocated and/or unwelcome comments, gestures,

actions, suggestions, or physical contact, based on gender, ethnic origin, or other personal characteristics that are perceived, and substantiated, as harassment and/or intimidation.

**Nepotism** Nepotism is the showing of favoritism toward relatives, based upon that relationship, rather than on an objective evaluation of ability or suitability.

**Relatives** Relatives are defined as all persons directly related to a staff member by blood, adoption or marriage. Such relatives are: parents, spouse (or common law spouse), children, brother or sister, as well as in-laws and stepchildren or stepparents.

**Retaliation** A form of discrimination involving action(s) against an individual because he or she has reported a concern of misconduct, testified, assisted or participated in an investigation, proceeding or hearing involving misconduct.

**Secondment** "Secondment" is the temporary transfer of a staff member from another organization to GAIN. A secondment is carried out for a fixed period and is ruled by conditions established in a letter of agreement between the organizations or offices concerned. GAIN encourages such agreements, as they provide an effective way to achieve our mission through experience and expertise sharing, development of projects and capacity building.

**Staff Member** - For purposes of this Policy, any individual who is a party to a contract of Employment or consultancy with GAIN, including interns and volunteers, and individuals seconded by other organizations. are all subject to this Policy regardless of location.