

Bribery and Anti-Corruption Policy

ActionAid Association India's Staff agrees that he/she shall, through the course of engagement with the Organization and thereafter, be in compliance with the anti-corruption and bribery Laws to which the Organization is subject in the jurisdictions in which it is operating (collectively, the "Anti-Bribery Laws"). The Staff agrees that he/she has not received any written communication alleging that the Organization, its affiliates or agents thereof is, or may be, in violation of, or has, or may have, any liability under, the Anti-Bribery Laws.

ActionAid Association India adopts a zero-tolerance approach to incidences where Staff are involved in bribery or corruption and seeks to work with organizations having a similar approach. ActionAid Association India recognizes that it works in some very challenging, insecure environments and would not expect its Staff to risk life, limb or freedom to uphold this policy. ActionAid Association India is governed by the Anti-Bribery Laws and should prevent Staff associated with us from giving or taking bribes to/from another person on their behalf.

"Bribery" is defined as the offering, promising, giving, accepting or soliciting of money, a gift or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out an Organization's activities.

Examples of bribery may include:

- a. offering or receiving a gift (e.g. excessive hospitality) to/from a donor/partner organization or any other constituency for something in return eg approval of a grant application.
- b. a potential supplier offering money or a gift in order to influence a tendering process
- c. offering payment to a government official in order to speed up or complete a process they are otherwise required to perform
- d. a job applicant offering to pay you to increase his/her chance of being offer employment.
- e. The organization does not encourage receiving of gifts by staff from partners, donor, other staff, allies etc. However, we also appreciate the local social and cultural context in which people in our country share gifts. In such event, in the spirit of solidarity, any such gift received by the staff should be shared among all team/office colleagues. If the gift is expensive (beyond a value of Rs.2000/), then this should be brought to the notice of the Line Manager.

ActionAid Association will not facilitate payments which induce officials to perform routine functions they are otherwise obligated to perform. Facilitation payments still constitute bribes and are unacceptable. Similarly, where Staff of ActionAid Association are offered gifts or hospitality that seems excessive, they should be aware that this may constitute a bribe or at least present a conflict of interests. No gift or hospitality that is blatantly excessive should be accepted, and the [Reporting Manager or OE/HR department] should be notified of any gift received.

Reporting and Investigation

Where cases of suspected corruption or irregularities are discovered in any office, project, programme or partner organization, these must be promptly reported to the most senior management in the operation who should conduct an appropriate form of investigation.

All cases of suspected corruption should be investigated rigorously, promptly and appropriate action taken, regardless of the scale of the offence and whether the activity failed or was successful. Every investigation should result in a written report. The report should disclose full details of their findings.

Investigations should determine

- the extent of corrupt activities, by whom and how it was carried out
- The most appropriate way to recover any losses incurred by AAI
- What action can be taken to prevent reoccurrence of the corrupt activities?

The knowledge that corruption has been uncovered should be limited to a very few key personnel. This will increase the likelihood of full and unbiased information emerging, and prevent the untimely departure of the suspected perpetrator(s), destruction of evidence and accusations of slander.

Significant cases of fraud (any loss greater than Rs. 100000/- will be reported to the appropriate governing bodies of ActionAid Association.

Where corruption or irregularities impact funds for which there is a contractual commitment to disclose to the donor, then these will be respected

Corruption by Partner Organizations Incidents of corruption/bribery by partner organizations need to be dealt with on a case-by-case basis. However, the following guidelines can be followed in almost all cases:

A clause will be included within all partner agreements that outline their obligations under this policy. Where required, support should be given to partners to help their implementation

Where criminal activity is suspected, the partner should report the matter to ActionAid Association Head office.

Funding to the Partner will be suspended as soon as fraud is established until the matter has been resolved to AAA satisfaction.

Investigation will be carried out as appropriate either independently or with partner staff.

Partner organisation will be asked to take appropriate action against the perpetrators and recover the money that has been misappropriated.

ActionAid Association will re-assess the relationship with the partner organization and terminate if it cannot be salvaged.

If the relationship is to continue, ActionAid Association will ensure that sufficient action has been taken to address and control weaknesses that allowed the corruption to occur. This may involve building the capacity of the partner organization.

Recovery of Losses Recovery of all losses will be actively pursued. Should the costs of doing so significantly exceed the amounts that are likely to be recovered, the Executive Director will have the discretion not to take this action.

ActionAid Association is aware that, there is a narrow exception for facilitation payments where personal safety is threatened and that payment of a bribe is the *only* way that their safety could be guaranteed. In such circumstances,

- the staff should make the management aware of any life threatening situation as soon as possible
- Through robust security procedures, ActionAid association will minimise the likelihood of such circumstances arising
- ActionAid Association will not pay a ransom (cash or kind) in exchange of staff's release as this may increase the risk of more such attempts against ActionAid Association staff.

Obligations of all Staff

- i. Report any suspicious criminal activity to the HR Director/Executive Director or any other member of senior management.
- ii. Not to assist in the criminal activities by acquiring, concealing, disguising, retaining or using the proceeds of crime.
- iii. Not to prejudice an on-going investigation.
- iv. Not to contact any person who has been suspected of, and reported for, possible criminal activities in such a way as to make them aware of the suspicion or report ("tipping off").