

Wi'am

Code of conduct

For the prevention of sexual exploitation and abuse, fraud and corruption and abuse of power

For all staff of wi'am & members

Purpose

The main purpose of the wi'am Code of Conduct is to promote greater accountability among and between staff and the people with whom we work in our development programmes. It seeks to protect staff as well as every woman, man, girl and boy with whom we work from abuse by individuals or groups. The Code is intended to serve as a guide for wi'am staff to make ethical decisions in their professional lives and at times in their private lives.

Scope

Wi'am Code of Conduct applies to all staff organisation. It also applies to temporary personnel such as consultants and volunteers who work in wi'am member development programs.

The Code of Conduct shall be signed by all wi'am staff. All staff is responsible for ensuring that the Code is complied with.

Code of Conduct

Wi'am Code of Conduct outlines the key responsibilities of all wi'am staff in relation to respect rights of the people with whom they work in the development and humanitarian context. It is designed to assist staff to better understand the obligations placed upon their conduct, as to prevent the following: Sexual Exploitation and Abuse (SEA), all forms of harassment, fraud and corruption, security breaches, and unethical business practices.

Therefore, all staff shall at all times:

- Respect and promote fundamental human rights¹ without discrimination.
- Treat all communities with whom we work fairly and with respect, courtesy, dignity and according to International Laws and Standards²
- Promote the implementation of wi'am Code of Conduct by contributing towards the creation and maintenance of an environment that prevents sexual exploitation and abuse, abuse of power and corruption.
- Report immediately any knowledge, concerns or substantial suspicions of breach of the Code to her/his line manager and/or senior management of the wi'am member organisation (or following procedures established by the organisation's complaints mechanisms), who is expected to take prompt investigative action.
- Be aware that failure to disclose or knowingly withhold information about any reports, concerns or substantial suspicions of breach of this Code of Conduct constitutes grounds for disciplinary measures.
- Feel protected by wi'am's commitment to providing a safe environment through which to voice a concern, without fear of reprisal or unfair treatment as articulated in the wi'am Complaints Policy
- Uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of goods and services in the execution of their job.
- Cooperate when requested with any investigation into alleged breaches related to this Code.

1 Sexual Exploitation and Abuse

Sexual exploitation and abuse as one form of Gender-Based Violence (GBV). Wi'am recognises that Sexual Exploitation and Abuse (SEA) can occur in any development setting. However, the dependency of affected populations on humanitarian agencies for their basic needs creates an additional ethical responsibility and duty of care on the part of all wi'am staff.

To protect wi'am stakeholders in all situations, wi'am staff shall while on duty and off duty:

- Understand that sexual exploitation and abuse by staff involved in development and humanitarian work constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Never engage in any sexual activity with children (persons under the age of 18) regardless of the age of majority or age of consent locally

¹ As set out, for example, in the Universal Declaration of Human Rights, 1948, see:

<http://www.un.org/en/documents/udhr/index.shtml>

² Standards include for example the **Code of Conduct** for The International **Red Cross** and Red Crescent Movement and NGOs in Disaster Relief (www.ifrc.org/publicat/conduct/) and the **Sphere Standards 2011** version (<http://www.sphereproject.org/>)

- Never exploit the vulnerability of any target group in the context of development and work, especially women and children, or allow any person/s to be put into compromising situations.
- Know that the exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
- 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.
- Given the increased vulnerability of populations in crisis situations, staff are prohibited from engaging in sexual relationships with members of crisis-affected populations since such relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of humanitarian aid work.
- When working with children, avoid actions or behavior which may constitute poor practice and never act in ways that may place a child at risk of abuse.

Wi'am promotes the integration of a gender-sensitive perspective into efforts to effectively prevent and respond to sexual abuse and exploitation.

2 Harassment

Wi'am staff shall never commit any act or form of harassment as it results in physical, sexual or psychological harm or suffering to individuals, especially women and children. wi'am does not tolerate any form of workplace violation such as harassment (including sexual, gender and racial harassment), bullying and discrimination, that is, any **unwelcome comment or behaviour** that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual.

Therefore, all wi'am Staff shall:

- Treat everyone with dignity and respect in the workplace. Speak with civility and kindness, listen carefully, and consider other's wellbeing.
- Never commit any act or form of harassment as it causes physical, sexual, psychological or emotional harm or suffering to individuals, especially women, children and people with disabilities.
- Never engage in any behaviour, deliberate or otherwise, that makes the recipient feel persecuted, vulnerable and powerless.
- Understand what constitutes harassment, recognise early signs of sexual, gender and racial harassment (among others) and take swift action to prevent and resolve.
- Understand what constitutes bullying, empower staff that are affected by it, develop strategies for reducing and stopping it, and take necessary disciplinary action against those found to have committed an act or form of harassment.
- Violent, harassing or discriminatory behaviour of any kind directed toward another person in the workplace or in the communities with whom wi'am works is unacceptable and shall not be tolerated.

Fraud and corruption

Wi'am has a zero-tolerance approach to fraud and corruption. Wi'am staff shall never take advantage of their position when working with communities, partners.

Therefore, Wi'am staff shall at all times:

- Promote a culture of honesty and openness among Wi'am staff and management.
- Be transparent in all work-related financial transactions.
- Never steal, misuse or misappropriate funds or property, ensuring that financial and other resources are used solely for the intended purposes. This applies also to any other income generated such as any interest received/earned on the funds.
- Create a work environment where communities and staff can safely and confidentially raise and report all serious concerns about suspected fraud and corruption.
- Never knowingly support individuals or entities involved in illegal activities.
- Never deliberately destroy, falsify, alter or conceal evidence material to an investigation or make false statements to investigators in order to materially influence or impede investigations into corrupt, fraudulent, coercive or collusive allegations.
- Conduct all business in accordance with internationally accepted practices and procedures and uphold the highest standards of accountability and transparency in relations to finances, management and governance, where relevant.

Complaints and Disciplinary Procedures

Violation 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.

Wi'am has a responsibility to handle and respond to any allegations of misconduct they receive from their stakeholders about their employees in line with their organisational policies and related disciplinary measures. Breaches of the Code of Conduct should be reported immediately to senior management

Annex 1: Key terms and definitions

Abuse of power: Abuse of power includes any abusive behaviour (physical, psychological, sexual or emotional) by a person in a position of authority and trust against someone in a position of vulnerability and/or dependency.

Bullying is aggression expressed psychologically and emotionally rather than physically. The term is used to describe a repeated pattern of negative intrusive violational behaviour against one or more targets and comprises constant trivial fault-finding criticism, refusal to value and acknowledge, undermining, discrediting and a host of other behaviours.³

Complainant: The person making the complaint, including the alleged survivor of the sexual exploitation and abuse or another person who becomes aware of the wrongdoing.

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

Corruption is the "offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person"

Fraud is an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization'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.

Harassment: Harassment means any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual. Harassment can be **committed by** or **against** any member of the community with whom we work, partners, employee, vendor or other individual visiting or doing business with an agency (see definition of sexual harassment further below).

Minor: A person under age 18 (a child according to the definition in the Convention for the Rights of the Child, CRC).

Gender based violence (GBV): "Any harm that is perpetrated against a person's will; that has a negative impact on the physical or psychological health, development, and identity of the person; and that is the result of gendered power inequities that exploit distinctions between males and females, among males and among females. Although not exclusive to women and girls, GBV principally affects them across all cultures. Violence may be physical, sexual, psychological, economic, or socio cultural."⁴ Gender-based violence may manifest in numerous ways: domestic violence, battering, rape and marital rape, female genital mutilation, torture, trafficking, and forced prostitution, dowry-related violence, marriage and in certain cases, violence perpetrated or condoned by the state.

Sexual abuse: Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions;

³ Adapted from <http://www.bullyonline.org/workbully/mobbing.htm> - website of the National UK Workplace bullying advice line

⁴ Ward, Jeanne. (2002). If Not Now, When? Addressing Gender-Based Violence in Refugee, Internally Displaced and Post-Conflict Settings. New York: The Reproductive Health in Conflict Consortium.

Sexual exploitation: Sexual exploitation means 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 (UN SG Bulletin, 9 October 2003). In these situations, the potential victim believes she/he has no other choice than to comply; this is not consent and it is exploitation. Some examples include, but are not limited to:

- Humanitarian/development worker demanding (or accepting) sex in exchange for material assistance, favours, or privileges.
- Teacher insisting on (or accepting) sex in exchange for passing grade or admission to class.
- Refugee leader demanding (or accepting) sex in exchange for favours or privileges.
- Security worker insisting on (or accepting) sex in exchange for safe passage.
- Driver demanding (or accepting) sex to give a female person a seat in the vehicle.

Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, etc.

Sexual harassment: Sexual harassment means any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.

Subject of the complaint (SOC): The person alleged to have perpetrated the misconduct in the complaint (BSO/HAP)

Survivor or victim – the person who is, or has been, sexually exploited or abused. This term implies Strength, resilience and the capacity to survive (BSO/HAP).

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

Workplace violence: Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. These behaviors would originate from customers, co-workers at any level of the organization. This definition would include all forms of harassment, bullying, intimidation, physical threats/assaults, robbery and other intrusive behaviors (ILO).