

# Anti-Corruption & Bribery Policy

(including gifts and hospitality)



**March 2019**



**NGO FORUM  
FOR PUBLIC HEALTH**

4/6, Block- E, Lalmatia, Dhaka-1207, Bangladesh

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## **1 Introduction**

- 1.1 It is NGO Forum for Public Health's (hereinafter "NGO Forum") policy to conduct all of its activities in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery and corruption.
- 1.2 NGO Forum will uphold all laws of the country relevant to countering bribery and corruption.
- 1.3 The purpose of this policy is to:
  - set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption
  - provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.
- 1.4 It is a criminal offence to offer, promise, give, request or accept a bribe. Individuals found guilty can be punished including imprisonment and/or a fine.
- 1.5 As an employer if we fail to prevent bribery we can face an unlimited fine, exclusion from tendering for public contracts and damage to our reputation. We therefore take our legal responsibilities very seriously.
- 1.6 In this policy, third party means any individual or organizational employee come into contract with during the course of work for NGO Forum and includes actual and potential stakeholders, beneficiaries, , suppliers, distributors, business contacts, agents, advisers, government and public bodies, including their advisers, representatives, officials, politicians and political parties.

### **Who must comply with this Policy?**

- 1.7 This policy applies to all persons working for NGO Forum or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, volunteers, interns, agents, contractors, external consultants, third-party representatives, business partners, sponsors or any other person associated with us, wherever located (collectively referred to as employees in this policy).

## **2 What is meant by Bribery and Corruption?**

- 2.1 Bribery is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly by accepting the advantage. An advantage includes money, gifts, loans, fees, hospitality, services, discounts and the award of a contract or anything else of value.
- 2.2 A person acts improperly where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of NGO

Forum. The improper acts may be in relation to any dealings or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organization of any kind.

2.3 Corruption is the abuse of entrusted power or position for private gain.

### **3 What you must not do**

3.1 It is not acceptable for you (or someone on your behalf) to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that an unethical advantage will be received, or to reward an advantage already given
- Give or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome
- Accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide an advantage for them or anyone else in return
- Accept hospitality from a third party that is unduly lavish or extravagant under the circumstances
- Threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy
- Engage in any other activity that might lead to a breach of this policy.

### **4 Facilitation Payments and Kickbacks**

4.1 NGO Forum does not make, or will not accept, facilitation payments or “kickbacks” of any kind.

4.2 Facilitation payments, also known as “back-handers” or “grease payments”, are typically small, unofficial payments made to secure or expedite a routine or necessary action (for example by a government official).

4.3 Kickbacks are typically payments made in return for a business favour or advantage.

4.4 All workers must avoid any activity that might lead to a facilitation payment or kickback being made or accepted by us or on our behalf, or that might suggest that such a payment will be made or accepted.

4.5 If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.

4.6 If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Executive Director.



## 5 Gifts, Hospitality and Expenses

5.1 This policy allows reasonable and appropriate hospitality or entertainment given to or received from third parties, for the purposes of:

- establishing or maintaining good professional relationships
- improving or maintaining our image or reputation
- promoting or presenting our goods and/or services effectively.

5.2 The giving and accepting of gifts is allowed if the following requirements are met:

- it is not made with the intention of influencing a third party to obtain or retain an unethical advantage, or to reward the provision or retention of advantage, or in explicit or implicit exchange for favours or benefits
- it is given in NGO Forum's name, not in your name
- it does not include cash or a cash equivalent (such as a gift certificate or vouchers)
- it is appropriate in the circumstances, taking account of the reason for the gift, its timing and value. For example, in Bangladesh it is customary for small gifts to be given at Religious Festivals, traditional, new-year e.g. a box of chocolates
- it is given openly, not secretly
- it complies with any applicable local law
- the Board Members/Executive Director will authorize only reasonable, appropriate and proportionate entertainment and promotional expenditure
- employees and, where relevant, associated persons should submit requests for proposed hospitality and promotional expenditure well in advance of proposed dates to their line manager.

5.3 Employees are required to set out in writing:

- the objective of the proposed client entertainment or expenditure
- the identity of those who will be attending
- the organization that they represent
- details and rationale of the proposed activity.

5.4 NGO Forum will approve entertainment proposals only if they demonstrate a clear organizational objective and are appropriate for the nature of the organizational relationship.

5.5 NGO Forum will not approve organization entertainment where it considers that a conflict of interests may arise or where it could be perceived that undue influence or a particular business benefits was being sought (for example, prior to a tendering exercise).

5.6 Any gifts, rewards or entertainment received or offered from clients, public officials, suppliers, beneficiaries or other business contacts should be reported immediately to the line manager.

5.7 In certain circumstances, it may not be appropriate to retain such gifts or provided with the entertainment and employees and associated persons may be asked to

return the gifts to the sender or refuse the entertainment, for example, where there could be a real or perceived conflict of interest.

- 5.8 Promotional gifts of low value such as branded stationery to or from existing customers, suppliers and business partners will usually be acceptable.
- 5.9 If an employee or associated person wishes to provide gifts to suppliers, clients or other business contacts, prior written approval from the Executive Director Director/Executive Committee is required, together with details of the intended recipients, reasons for the gift and business objective.

Employees and, where applicable, associated persons must supply records and receipts, in accordance with NGO FORUM's policy.

- 5.10 NGO Forum will conduct risk assessments for each of its key organizational activities on a regular basis and, where relevant, will identify employees or officers of NGO FORUM who are in positions where they may be exposed to bribery.
- 5.11 Reimbursing a third party's expenses or accepting an offer to reimburse our expenses (for example, the costs of attending a organization meeting) would not usually amount to bribery.

However, a payment in excess of genuine and reasonable expenses (such as the cost of an extended hotel stay) is not acceptable.

- 5.12 We appreciate that practice varies in different culture and local context and what may be normal and acceptable in one context may not be in another. The analysis to be applied is whether in all the circumstances the gift, hospitality or payment is reasonable and justifiable. The intention behind it should always be considered.

## **6 Donations**

- 6.1 NGO Forum does not make contributions to political parties.
- 6.2 NGO Forum only makes charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of the Executive Director.

## **7 Employee's Responsibilities**

- 7.1 Employee must ensure that s/he read, understand and comply with this policy.
- 7.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or other control. All employees are required to avoid any activity that might lead to, or suggest a breach of this policy.
- 7.3 Employee must notify the Executive Director as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a client or potential client offers you something to gain a business advantage with us, or indicates to you that a gift or payment is required to secure



their business. Further “red flags” that may indicate bribery or corruption are set out in appendix 1.

- 7.4 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. NGO Forum reserves the right to terminate contractual relationship with other partners if they breach this policy.

## **8 Record Keeping**

- 8.1 Financial records are required to be kept and maintained and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 8.2 The employee must keep a written record of all hospitality or gifts received, which will be subject to managerial review.
- 8.3 The employee must submit all expenses claims relating to hospitality, gifts or payments to third parties in accordance with our expenses policy and record reason for expenditure.
- 8.4 All accounts, invoices and other records relating to dealings with third parties including suppliers and customers should be prepared with strict accuracy and completeness. Accounts must not be kept “off-book” to facilitate or conceal improper payments.

## **9 How to Raise a Concern**

- 9.1 The employees are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.
- 9.2 If the employees are offered a bribe, or are asked to make one, or if you believe or suspect that any bribery, corruption or other breach of this policy has occurred or may occur, you must notify the Executive Director as soon as possible.
- 9.3 If the employees are unsure about whether a particular act constitutes bribery or corruption, raise it with the Executive Director.

## **10 Protection**

- 10.1 Employees who refuse to accept or offer a bribe, or those who raise concerns or report another’s wrongdoing are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 10.2 NGO Forum is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future.



- 10.3 Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If any employee believe that she/he has suffered any such treatment, they should inform the HR Department immediately. If the matter is not remedied, then employee should raise it formally using the Organizational Grievance Procedure.

## **11 Training and Communication**

- 11.1 Training on this policy forms part of the induction process for all new employees. All existing employees will receive regular, relevant training on how to implement and adhere to this policy.
- 11.2 Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and partners at the outset of our organizational relationship with them as appropriate thereafter.

## **12 Who is Responsible for the Policy?**

- 12.1 The Executive Director has overall responsibility for ensuring this policy complies with relevant legal and ethical obligations, and that all those under control comply with it.
- 12.2 The Manager, HR & Admin has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.
- 12.3 Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

## **13 Monitoring and Review**

- 13.1 The Manager, HR & Admin will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness.
- 13.2 Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.
- 13.3 All Employees are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 13.4 Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to Manager, HR & Admin.

## Appendix 1

### Potential risk scenarios: “red flags”

The following is a list of possible red flags that may arise during the course of anyone is working for NGO Forum or it's project and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags while working for NGO Forum, you must report them promptly to the Executive Director by using the procedure set out in the Whistle blowing Policy:

- you become aware that a third party engages in, or has been accused of engaging in, improper organizational practices
- you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation having a “special relationship” with government officials
- a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us
- a third party requests that payment is made to outside of project or any geographical location of different interventions different from where the third party resides or conducts business
- a third party requests an unexpected additional fee or commission to “facilitate” a service
- a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services
- a third party requests that a payment is made to “overlook” potential legal violations
- a third party requests that you provide employment or some other advantage to a friend or relative
- you receive an invoice from a third party that appears to be non-standard or customised
- a third party insists on the use of side letters or refuses to put terms agreed in writing
- you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided
- a third party requests or requires that use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us
- you are offered an unusually generous gift or offered lavish hospitality by a third party.