



"making humanitarian action accountable to beneficiaries"

**Code of Conduct for all Staff and Consultants
of the Secretariat of HAP International
January 2008**

Introduction

Contracted staff, volunteers, consultants, and representatives (hereafter referred to collectively as "staff") of the Humanitarian Accountability Partnership International Secretariat (HAP International) are personally and collectively responsible for upholding and promoting the highest standards of ethical and professional conduct. All HAP staff shall therefore, at all times and in all circumstances, refrain from acts of misconduct, and respect the organization's standards and the dignity of those whom HAP International pledges to assist and with whom they have contact.

Scope and purpose

These rules apply to all employees, their dependents accompanying them, volunteers, consultants, interns, local staff and any other individuals working for or representing HAP International. For convenience, all such persons will be referred to as "staff" for the purposes of this document.

The term "HAP" in this Code of Conduct refers to the secretariat in Geneva, the field locations and all other operations/activities that are legally or organizationally included in the structure.

The Code of Conduct will take immediate effect, and will be signed by staff. All staff is responsible for ensuring that the Code of Conduct is complied with.

The Code of Conduct covers the following four areas:

- Integrity and commitment
- Misconduct
- Disciplinary procedures
- Implementation
- Sexual abuse and exploitation

Integrity and commitment

The work and reputation of HAP International around the world depends on the performance and behaviour of its staff. HAP International staff is recruited on the basis of their competence, integrity and commitment to the work and mandate of HAP International. HAP International expects its staff, wherever they are located, to:

- respect, implement, and promote the Humanitarian Accountability Principles as described in attached appendix 1;
- conduct all duties with integrity and strive towards attaining a high standard of professional responsibility and achievement;
- maintain an unimpeachable standard of integrity in all business relationships both inside and outside HAP International;
- optimize the use of resources for which the staff member is responsible;
- minimize negative impact on the environment;
- foster the highest standards of professional competence among those for whom the staff member is responsible;

- respect all peoples, taking into account the sensitivities of their customs, habits, and religious beliefs;
- recognize the richness of a diverse workplace and value the unique skills and perspectives of persons, including those of different cultural and educational backgrounds;
- contribute to removing barriers to gender equality and ensure that HAP International activities take the gender dimension into account;
- positively represent HAP International;
- declare any potential conflict of interest or bias, including current or former relationship with member organisations or potential members organisations; and
- adhere to the duties and obligations set out in any contractual agreements they have entered into with HAP such as the Staff Rules, Staff Regulations and this Code of Conduct.

Misconduct

All staff shall refrain from any and all acts of misconduct. The following section sets out the general categories of prohibited acts and includes examples of specific acts which HAP International will consider as misconduct or gross misconduct depending on the severity of the act. Generally any act of “abuse of power” will be considered gross misconduct.

1. Violations of laws, rules or regulations

- a) Breaches of applicable national or international law or the applicable status agreement.
- b) Contraventions of HAP International's rules, regulations or other instructions issued by the relevant manager or HAP International authority.

2. Abuse of Power

Abuse of power is defined as “The abuse or misuse of position or influence or failure to use proper discretion for personal benefit or to benefit another person. Abuse of power includes but is not limited to: favouritism,² nepotism,³ cronyism,⁴ corruption,⁵ bribery and all forms of exploitation, including sexual.”

Acts that will be considered abuse of power include:

- a) Any act which could be considered harassment, mobbing, bullying, discriminatory, racist or an illegitimate use of authority;
- b) Use of position to commit HAP International legally, financially or morally without authorisation;
- c) Stealing or misappropriation of funds, property or human resources from HAP International;
- d) All forms of exploitation and abuse⁶;
- e) All forms of sexual activity with children (persons under the age of 18), including contact and non-contact sexual abuse, regardless of the age of majority or age of consent locally (mistaken belief of the age of a child is not a defence);

² This is a mechanism of power abuse implying "privatization" and a highly biased distribution of common resources, no matter how these resources have been accumulated in the first place.

³ Staff who show preference to his or her own friends and family members, irrespective of their qualifications and without due process.

⁴ Favouritism shown to friends and associates (as by appointing them to positions without regard for their qualifications).

⁵ Corruption is about money and using organizational, public or private power to steal from those who have less power. Corruption is a complex concept that includes bribes, embezzlement, fraud, extortion or kickbacks.

⁶ As defined in the UN Secretary General' Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)

- f) Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading, compromising or exploitative behaviour;
- g) Sexual relationships with those who look to HAP International for protection or assistance; and
- h) Not reporting concerns or suspicions regarding power abuse, for example sexual abuse or exploitation, by a fellow worker, whether or not in the same agency.

3. Security breaches

- a) Failure to follow security regulations.
- b) Using or possessing weapons or ammunition of any kind while on duty.
- c) Driving a vehicle while on duty, under the influence of alcohol or any illegal substance.

4. Representation breaches

- a) Making any public statement relating to political or military situations, including voluntarily providing evidence or information which may be known to staff by reason of their position, in any type of legal proceedings or to prosecuting authorities without prior authorisation of the Executive Director.^{6 7}
- b) Improper use of HAP International logo.
- c) Publishing work, mission related articles, or research in external publications without prior approval of the Executive Director.
- d) Any acts or omissions that could discredit HAP International.
- e) Failure to pay due respect to customs, habits or religious beliefs and to dress in an appropriate manner.
- f) Accepting or exercising any public appointment or outside employment without the prior agreement of the Executive Director.

5. Negligence or theft

- a) Negligent treatment of HAP International property.
- b) Theft of any kind.

6. Slander or misrepresentation

- a) Any intentional false and malicious statements, misrepresentation or false accusation of another staff member or third party.

7. Corrupt business practises

- a) Failure to disclose or show full transparency of any potential conflict of interest with a supplier, any service provider or business partners (including close family relations, shareholder arrangements and the like).
- b) Acceptance of any gifts or favours which are more than "token gifts" (i.e., pens, trinkets, desk diary's).

8. Confidentiality

- a) Divulging any confidential information acquired while carrying out duties with HAP.

Disciplinary procedures

⁷ In the event that staff members are obliged by law to give evidence or information they must inform the Executive Director immediately.

⁸ "Executive Director" shall mean either the Executive Director himself/herself or the staff member to whom he/she has delegated such authority.

Procedural steps

1. If a staff member develops any concerns or suspicions regarding a violation of the Code of conduct, she/he is expected to report such concerns directly to the appropriate line manager, or the Executive Director, respecting the confidentiality of all parties concerned.
2. Once a concern or claim is raised, the Executive Director may suspend the individual with full pay until a final decision has been taken. The Executive Director will ensure that the Regulatory Services Director⁷ conducts necessary investigations as soon as possible. The Regulatory Services Director may at his/her discretion form a panel to further consider the claim and to advise him/her on the appropriate action to take.
3. In the event of any violation of this code, before any disciplinary decisions are taken, the staff member shall be informed in writing of the allegation(s) made against him/her and be given ten working days to respond to such allegations. This may be extended to one calendar month upon written request.

Potential consequences for employees

If a claim is substantiated against an employee of HAP International, the Executive Director at his/her discretion may:

- I. issue a written warning and/or place the employee on probation;
- II. terminate the employment contract with immediate effect in accordance with the applicable Staff Regulations; or
- III. take any other action as set out in the Staff Regulations.

If the claim is deemed unfounded the staff member's record will be cleared.

Staff-on-loan, interns, and other representatives of HAP International

In the case of substantiated claims against a staff-on-loan (Geneva or field) or any other representatives of HAP International who are not employees, HAP International may, after consultation with the employer, immediately terminate the individual's loan or secondment to HAP International and provide a full report to the individual's employer.

Family member

While on mission, the staff member is responsible for the acts of his/her accompanying family members. All accompanying family members shall be asked to sign this Code of Conduct (with the exception of minors). In case of any violation of this code by a family member, HAP International has the right to order the repatriation of any family member(s) and hold the staff member responsible.

Claims for compensation

HAP International reserves the right to claim reasonable compensation for damages and costs arising from a staff member's violation of this code – including, if applicable, costs associated with returning the staff member to Geneva and/or to their place of residence, as set out in the Staff Regulations.

Civil or penal responsibility

Any action taken under these disciplinary procedures does not preclude further administrative, civil or penal responsibility or action.

Implementation

⁷ If the Regulatory Services Director is implicated in the allegation, the Executive Director will appoint another staff member to conduct the investigation.

Awareness raising

All staff have a responsibility to familiarise themselves with the Code of conduct and its purpose. The Code of conduct will be an element the induction and in other relevant training and briefings.

Overall responsibility

All persons to whom this Code applies are obliged to ensure and maintain an environment that prevents power abuse and promotes the implementation of these standards of behavior. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

This document automatically forms part of all contracts of employment or conditions of service and is annexed to the Staff Regulations of HAP International.

Code of Conduct January 2008

STATEMENT OF RECEIPT:

I _____, declare that I have received, read and understood the Code of conduct for all staff of HAP International. I understand that this Code forms an integral part of my employment contract or conditions of service with HAP International and agree to abide by its terms and conditions.

Signature_____Place_____ Date_____

Appendix 1



Accountability Principles

1) Commitment to humanitarian standards and rights

Members state their commitment to respect and foster humanitarian standards and the rights of beneficiaries

2) Setting standards and building capacity

Members set a framework of accountability to their stakeholders⁸

Members set and periodically review their standards and performance indicators, and revise them if necessary.

Members provide appropriate training in the use and implementation of standards.

3) Communication

Members inform, and consult with, stakeholders, particularly beneficiaries and staff, about the standards adopted, programmes to be undertaken and mechanisms available for addressing concerns.

4) Participation in programmes

Members involve beneficiaries in the planning, implementation, monitoring and evaluation of programmes and report to them on progress, subject only to serious operational constraints.

5) Monitoring and reporting on compliance

Members involve beneficiaries and staff when they monitor and revise standards.

Members regularly monitor and evaluate compliance with standards, using robust processes. Members report at least annually to stakeholders, including beneficiaries, on compliance with standards. Reporting may take a variety of forms.

6) Addressing complaints

Members enable beneficiaries and staff to report complaints and seek redress safely.

7) Implementing partners

Members are committed to the implementation of these principles if and when working through implementation partners.

⁸ Framework of accountability includes standards, quality standards, principles, policies, guidelines, training and other capacity-building work, etc. The framework must include measurable performance indicators. Standards may be internal to the organisation or they may be collective, e.g. Sphere or People in Aid.

Appendix 2

What you should do if you believe someone is abusing his/her power

1. You **must** report as soon as possible all such concerns via established management lines, or, if considered inappropriate, directly to the Executive Director. Failure to report such concerns could be considered as misconduct.
2. You should respect the confidentiality of all parties and only disclose your concerns to the appropriate manager or management line.
3. The management line manager may conduct an initial assessment of the claim at the point of identification. This may involve talking to relevant people involved in order to determine whether or not the allegation is credible. If there is a credible allegation, the manager must immediately inform the Executive Director.
4. If a concern is identified, a decision will be taken by the relevant manager, in consultation with the Executive Director, on the most appropriate form of investigation and next steps.
5. HAP International will take disciplinary action, including termination of mission/employment if acts of gross misconduct are substantiated. Other legal actions or consequences may follow.