



WOMEN RIGHTS ADVOCACY INITIATIVE.

ANTI-BRIBERY AND CORRUPTION POLICY

The Compliance policy is designed as a tool to help WRAI ensure its policies and practices are aligned with the anti-corruption, anti-bribery and Code of Ethics & Conduct for non-governmental organizations (NGOs). The policy is a set of fundamental principles, operational principles, and standards to guide the actions and management and laws of Kenya ANTI-CORRUPTION AND ECONOMIC CRIMES ACT CHAPTER 65. It is WRAI's public statement that aims to address and shape our integrity and ethic, therefore the provisions contained therein are binding for the behaviour of all directors, managers, supervisors and employees, consultants and anyone who establishes, for any reason, a business or collaborative relationship with WRAI. WRAI agrees to

recall provisions in all its relationships and observance is an essential part of contractual obligations of suppliers, beneficiaries, trustees, directors, employees and partners.

Anti-Bribery and Corruption Policy – 2017

WRAI’s organisational statement: WRAI seeks to operate to a high standard in all it does. It works with integrity, accountability and transparency across its procedures and processes. The organisation seeks dignified lives for the poor and marginalised. Bribery and corruption run counter to the values of ALDEF and to the interests of the poor. Therefore WRAI does not tolerate bribery and corruption in its own work or with any individual or organisation associated with it.

1. Introduction

WRAI demands the highest standards of integrity and ethical conduct in its business dealings.

WRAI will not tolerate any bribery or corrupt practices related to its business activities from its employees or business partners. It is committed to transparent reporting and to taking all other reasonable measures which avoid WRAI’s involvement in bribery or corruption.

Bribery and corruption undermine the rule of law and the principle of fair competition. Such activities entrench bad governance, hindering efforts to alleviate poverty and often contributing to economic instability and human rights abuses. Whilst the risk of bribery exists in all geographies, sectors and transactions, WRAI understands that steps can be taken to mitigate the inherent risk of corrupt behaviours. This Anti-Bribery and Anti-Corruption Policy (the “Policy”) aims to inform

WRAI management, employees and business partners about our intention to closely monitor corruption risk and to take immediate action if evidence of corrupt activity is suspected.

2. Objective of the Policy

The objective of this Policy is to provide a procedure by which WRAI conducts its business, ensuring honest and ethical business practices which reflect the highest standards of integrity and in compliance with all applicable laws and regulations.

3. Application of the Policy

This Policy applies to all WRAI employees, contract staff or business partners working on our behalf (“WRAI Employees”). WRAI Employees must never accept or give a bribe, facilitation payment, kickback or other improper payment under any circumstances. This includes transactions with: (a) foreign or domestic government officials; or (b) any private company or person. This applies:

- a) in the conduct of domestic or international business; and
- b) where payment is received directly or where it is received through a third party (agent, contractor, representative, distributor, or business partner).

4. Management Responsibilities

WRAI’s management takes responsibility for encouraging a transparent and ethical culture at WRAI.

Their role includes:

- (a) Regularly undertaking periodic and high-level risk assessments of its business activities;
- (b) Responsibility for ensuring that the Policy is well communicated to WRAI Employees, contractors, suppliers and business partners alike;
- (c) Encouraging trust and dialogue with employees, so that they can voice their concerns if they witness any dishonest activity; and
- (d) „Leading by example“, behaving with utmost integrity at all times.

It is important to note that anti-bribery practices are built in to WRAI’s current practices and procedures. These include:

- The Code of standards (which are within the terms and conditions) that outline behaviour expected
- The financial regulation procedures (how this statement affects the procedures will be looked at when we review the Financial policies/regulation)
- Other processes such as the guide to programme management, recruitment, capacity assessment of potential local partners etc that indicate standards required
- Conflict of interest register for board members
- Expectation that any staff member will declare a conflict of interest if they or someone they are related to will benefit from a decision made and will not be a party to the final decision (for instance in choosing consultants, tenders etc).
- We undertake due diligence procedures on new staff, partner agencies and organisations (references)

It is important that all staff consider the ways in which this Policy may affect their work.

5. Prohibited Behaviours

WRAI prohibits the following behaviours from ALDEF Employees:

- a) Bribery of national public officials or private sector counterparts, including facilitation payments;
- b) Bribery of foreign public officials and officials of public international organisations;
- c) Embezzlement of property in the public and or private sector;
- d) Abuse of function;
- e) Illicit enrichment;
- f) Laundering or concealment of proceeds of crime; and
- g) Obstruction of justice.

6. Prevention of Improper Payments

WRAI strictly prohibits the use of improper payments. This includes:

- a) The improper or concealed use of „kickbacks“, subcontracts, purchase orders, consultancy agreements or payment of agents to secure business or profit; or
- b) The direct or indirect offer, payment, soliciting or acceptance of bribes. For the avoidance of doubt this includes:

To directly or indirectly offer, give or agree to give or offer a loan, reward, advantage or benefit of any kind to a public official, political party, party official or political candidate as consideration for an act or omission by the recipient in connection with the performance of the recipients duties or functions with the government. Examples include applications for environmental permits, customs procedures or judicial proceedings;

To induce an official to use his or her position to influence any acts or decisions of government for the purposes of obtaining an advantage in the course of business; or Agree, or comply with any demands for a bribe made by a public official.

7. Gifts and Hospitality

WRAI Employees and its board are forbidden from soliciting gifts or hospitality, and must endeavour to avoid conflicts of interest and the appearance of conflicts of interest; some examples of gifts include:

- (i) Any gift or entertainment that would be illegal (anything offered to a government official in breach of local or international bribery laws);
- (ii) Gifts or entertainment involving parties engaged in a tender or competitive bidding process;
- (iii) Any gift of cash or cash equivalent (such as gift certificates, loans, stock, stock options);
- (iv) Any gift or entertainment that is a „quid pro quo“ (offered for something in return); or (v) Any entertainment that is indecent, or sexually oriented.

All gifts of whatever value must be declared and handed over to the office, as a gesture of friendship in relations to work relationship are to kept only after paying for an equivalent amount of the gift in order to quality to keep it yourself(ves). A gift is given without expectation of consideration or value in return and may express common purpose and the hope of future business success but belong to the organisation and not the individual(s). Hospitality and expenses are also included in the must declare part of gifts, this types of gift should be reasonable and be done openly and with a specific business purpose.

WRAI recognises a legitimate contribution to good business relationships between ALDEF and its business partners, such as reasonable and in good faith cost or meal directly connected to a legitimate business promotional activity or the performance of existing contracts, which must duly authorized and accounted for.

8. Supply Chain Risk Management

When selecting potential business partners,WRAI endeavours to work with those that are likeminded in their approach to maintaining high ethical standards as well as demonstrated legal and regulatory compliance. WRAI will include risk management measures in its procurement practices, for example:

- (a) WRAI's contractual terms will contain an ethical policy, including a statement on bribery and corruption.
- (b) Before entering into a new contractual relationship, WRAI will undertake: (i) An internal corruption risk assessment; and (ii) A due diligence review of the business partner.
- (c) Once the business relationship is successfully approved, periodical review of the business relationships will be ongoing, although the level of oversight required will vary depending on the risks identified upon initial assessment.

9. Training and Communication of the Policy

A copy of this Policy has or will be made available to all WRAI Employees as well as its auditors, legal counsel and other advisors. **It is also posted on the website at www.ALDEFplc.eu.**

WRAI will provide periodic compliance training on this Policy and good practices. The aims of the training are:

- (a) to ensure that the Policy is consistently taken into account by ALDEF Employees during all their business dealings; and
- (b) to provide practical assistance to WRAI Employees on how they should respond and exercise good judgment to situations where it may be unclear what qualifies as improper payments or corruption.

Staff should be aware that reporting is important for internal learning, and that their experiences will be shared with others within the organisation, but they will be anonymous.

We would want to highlight the following resources: Resisting Extortion and Solicitation in International Transactions which is designed for companies but has some useful case studies too: <http://www.transparency.org/publications/publications/resist>

Business principles for countering bribery – again a framework for private sector companies: http://www.transparency.org/global_priorities/private_sector/business_principles

The BOND guidelines www.bond.org.uk/pages/anti-bribery-principles-and-guidelinesforngos.html

10. Reporting and investigating Violations

WRAI Employees that become aware of actions which could constitute a violation of this Policy are required to report it to their immediate supervisor, using the incident form. However, if the WRAI Employee is not comfortable reporting the matter to their immediate supervisor, or does not feel their immediate supervisor has taken sufficient action, they are encouraged to report the matter to the Human Resources and Administration Managing Officer or the Chief Executive Officer.

No WRAI Employee will suffer undue consequences for:

- (a) reporting suspected or actual violations; nor
- (b) if WRAI loses business opportunities as a result of his or her refusal to pay or accept bribes.

11. Investigations

Any reported incident of bribes or attempts to bribe may be investigated further. In which case, the Management Team will, in conjunction with the person making the report, investigate the incident and decide on the next steps. If a member of the Senior Management Team were involved in bribery or corruption, then this would involve a committee made up of Board members.

Staff members need to be aware that if, after investigation, any deliberate and unjustified contravention of this policy is found, it would result in disciplinary measures and suitable action will be taken.

12. Consequences of Non-Compliance with Policy

Any WRAI Employee who is found to be giving or taking bribes or partaking in any other corrupt acts will be subject to disciplinary action. The steps could include:

- Identifying if bribery has taken place and who was responsible
- Undertaking suitable disciplinary action should a staff member be involved which may ultimately lead to dismissal
- Reporting the matter to relevant authorities:
 - To a senior person in any organisations or partners if the person is from another organisation or partner
 - To an appropriate government department or agency in country where a violation of certain laws and, if appropriate, which could lead to criminal proceedings
 - To legal authorities locally
 - If the matter is deemed a “serious incident” then it may also require reporting to the concerned donor agency
- Identifying any improvements to the WRAI procedures

12. Remedial Measures

Should evidence of corrupt practices be uncovered, WRAI will consider a full range of remedial measures including but not limited to:

- (a) Voluntary restoration of damages or loss caused by the offence;
- (b) Recovery of ill-gotten gains (e.g. proceeds of the corrupt act);
- (c) Acceptance of an external compliance monitor; or
- (d) Corrective organisational actions (e.g. removal or other disciplinary measures against responsible employees).

All other measures expounded within WRAI HR Manual

13. Whistleblowing

WRAI seeks to work with transparency in all it does and welcomes all staff raising their concerns on this issue with their line manager or other senior manager. This might be about activities within WRAI, a partner or third party.

14. Review of Policy

This Policy will be reviewed and evaluated regularly by the Board of Directors and the Management. The review will consider:

- (a) Whether the Policy is effective in ensuring compliance by WRAI Employees; and

- (b) Any updates and recommendations from recognized international anti-bribery and corruption NGOs and bodies, for example:
- (i) Extractive Industries Transparency Initiative (“EITI”);
 - (iii) Guidelines relating to Principle 10 of the United Nations Global Compact;
 - (iv) the United Nations Convention against Corruption (“UNCAC”); and
 - (v) The Kenya anti-corruption and economic crimes laws, laws of Kenya, the public Officer Ethic Act Chapter 183.
15. **Queries** Employees are encouraged to contact the Chief Executive Officer Tel: +254722370506, Human Resource and Administration, Tel: +254720366092, at info@aldef.org should they have any comments or queries about this Policy.