

# **OPEnE CODE OF CONDUCT**

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# 1 INTRODUCTION

Organization of People for Engagement and Enterprise (OPENE) is a Sri Lankan organization which operates through the core values of Human dignity, Transparency and Accountability, Good Governance, Participation and Creativity and innovation. OPENE provides support to underprivileged communities. Our support is based on need, assets and opportunities for positive change. We make no distinction on ethnicity, religion, class, caste, gender or age. OPENE employees are expected to maintain a high standard of conduct.

A staff Code of Conduct is considered a key tool for the prevention of harassment, exploitation and inappropriate behaviour by staff towards beneficiaries, colleagues or other people. The OPENE Code of Conduct describes acceptable standards of behaviour and promotes good practice. OPENE staff knows through this Code what behaviour is expected from them, stakeholders know what acceptable behaviour by OPENE staff is and what to do if there is a breach of this code. It is important that all OPENE staff members, volunteers and the representatives of partner agencies and beneficiaries are explained/given a copy of the OPENE Code of Conduct in the language that they can understand.

As part of pre-employment induction procedures, OPENE demand new staff members to read the OPENE Code of Conduct and sign it to confirm that they have understood its content and agree to conduct themselves accordingly. OPENE organise training sessions for staff on the OPENE Code of Conduct to raise awareness and discuss the meaning and purpose of the Code of Conduct. The practice of this policy is monitored in a constant manner.

## 2 OPENE CODE OF CONDUCT

OPENE seeks to implement successful development programmes as a Sri Lankan organisation based upon human principles, through its commitment to best practice and the quality of work of its staff. In this context all OPENE staff have a responsibility to the organisation to strive for and maintain the highest standards in the day-to-day conduct of their work in accordance with OPENE's mission and the core values.

### 2.1 SCOPE

Contracted staff, volunteers and board of directors of OPENE (hereafter referred to as representatives) are personally and collectively responsible for upholding and promoting the highest standards of ethical and professional conduct. It is the responsibility of all OPENE representatives to adhere to this OPENE Code of Conduct and refrain from acts of misconduct at all times. Visitors of OPENE are also under the scope of the OPENE Code of Conduct as described in 3. Clarification of terminology.

As far as this Code is concerned, by accepting employment and volunteership, all representatives accordingly also assumes the special duty of humanitarian care and ethical conduct that goes with their responsibilities. All representatives are responsible for their own behaviour and also has a duty to report any breach of this Code of

Conduct (see section 2.4). All representatives are obliged to ensure and maintain an environment that prevents power abuse and promotes implementation of these standards of behaviour.

Coordinators at all levels have a particular responsibility to support and develop systems which maintain a safe environment for staff/volunteers to uphold the standards of behaviour as stated in this Code of Conduct including setting positive examples themselves. The responsibility for implementation and monitoring of the Code of Conduct lies with Team Leader and Management team.

## 2.2 EXPECTED BEHAVIOUR AND PROHIBITED MISCONDUCT

OPeNE representatives are expected to maintain a high standard of conduct. OPeNE expects its staff to refrain from any acts of misconduct. This section sets out general categories of expected behaviour and specifies prohibited acts including examples of acts which OPeNE will consider as misconduct or gross misconduct depending on the severity of the act. OPeNE expects the following conduct of its staff:

□ **We treat everybody equally:** our staff/volunteers will not discriminate based on race, gender, sexual orientation, disability, political convictions, religion, or for any other reason, in any way. Common forms of discrimination may include making employment or programming decisions based on family status, race, gender, religion, colour, national or ethnic origin, language, marital status, birth, sexual orientation, age, disability or political conviction.

□ **We protect vulnerable groups:** our staff/volunteers will do their utmost best to protect all vulnerable groups against harassment, exploitation, and sexual abuse or threat of abuse. We stay away from and strongly reject any abuse of power:

- Any form of violence including, but not limited to: bullying, verbal, physical or sexual harassment, rape, exploitation, intimidation and victimization;

- Behaviour that shows a lack of respect for the dignity of others including breaching of confidentiality;

- Behaving in a manner which leads to, or could potentially lead to health or security problems for the person themselves or for other people;

- Any attempt to commit fraud or to accept or solicit a bribe;

- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading, compromising or exploitative behaviour.

Abuse of a position would include withholding goods that are due to OPeNE's programme participants, or awarding goods that are not due to programme participants in order to obtain gifts, payment or sexual favor from programme participants, or accepting gifts, goods or services from interested parties. Any such abuses will be considered acts of gross misconduct and will result in dismissal.

□ **We avoid conflict of interest:** our staff/volunteers observe the highest standards of honesty and integrity by not abusing their position for personal gain. OPeNE is

committed to conducting its activities with the highest degree of integrity and in full compliance with all applicable laws. This commitment includes a zero tolerance approach towards all forms of fraud, bribery, corruption and theft. Including payment or receiving of bribe and corruption whether directly or indirectly and also facilitation payments done by staff. OPEnE staff/volunteers should not make any contributions to political organisations or individuals as means of obtaining an advantage. OPEnE staff/volunteers should conduct themselves at all times in a manner that avoids suspicion of such behaviour. All staff should avoid situations in which their personal interest may conflict, or appear to conflict, with the interests of OPEnE or its programme participants. Staff/volunteers are committed to implement and enforcing effective systems to counter bribery and corruption.

□ **We use internet properly:** our staff/volunteers members will not visit pornographic, racist, discriminating, or abusive internet sites and/or chat rooms or download offensive material or visit sites of which the content is against the law or unethical or threatening.

□ **We stay away from alcohol and drugs:** our staff/volunteers will not use, distribute, sell, be in possession of, or under the influence of alcohol or non-prescription drugs at work. It is a disciplinary offence to come to or to be at work under the influence of alcohol or drugs not medically prescribed. Being in possession of, or using, distributing or selling illegal substances is not permitted on OPEnE premises or whilst on OPEnE business. It is prohibited for staff/volunteers to distribute non-prescription drugs. The conviction of an employee on drugs related charges will result in disciplinary action, which could lead to dismissal on the grounds of gross misconduct.

□ **We adhere to our duty to report:** our staff/volunteers will report all breaches of the OPEnE Code of Conduct immediately and with the utmost discretion. OPEnE Staff/volunteers are committed always to report and/or document any suspicions of non-compliance with this Code.

### **2.3 MINIMUM STANDARDS FOR THE PROTECTION OF ALL VULNERABLE GROUPS AGAINST SEXUAL ABUSE AND EXPLOITATION**

OPEnE recognises that all employees, volunteers and programme participants have a right to be treated with dignity and respect. OPEnE staff/volunteers have a particular duty of care towards women and children. Therefore, any proven instances of harassment, exploitation, abuse or threat of abuse will be treated as gross misconduct and, as such, will result in appropriate disciplinary action being taken, up to and including dismissal.

OPEnE staff and volunteers in humanitarian/development operations shall adhere to the following principles:

1. Sexual exploitation and abuse by employees/volunteers constitutes acts of gross misconduct and are therefore grounds for termination of employment/volunteership.

2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief of the age of a child is not a defense.
3. 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.
4. Sexual relationships between employees/volunteers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where an employee/volunteer develops concerns or suspicions regarding sexual or exploitation abuse by a fellow worker, whether in the same agency or not, s/he must report such concern via established reporting mechanism.
6. Employees/volunteers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have a particular responsibility to support and develop systems which maintain this environment.

If and when such cases concerning sexual abuse or misconduct arise, we are committed to ensure that breaches of these standards are immediately reported within the established mechanisms.

## **2.4 DUTY TO REPORT**

It is the duty of all staff/volunteers who become aware of any breaches of this Code to report this immediately to a line supervisor, either through the established reporting mechanism or, if not appropriate, to another senior member of staff. Failure to report concerns of sexual abuse and exploitation will constitute misconduct and be considered grounds for disciplinary measures.

Management must ensure that all information about breaches of this Code is handled with the utmost discretion. Any concerns or suspicions about a suspected incident of exploitation, harassment or bullying of programme participants or colleagues, whether major or minor, should always be discussed with coordinator or other senior member of staff.

No action will be taken against a staff member reporting concerns in good faith. Disciplinary measures will be taken against staff for retaliating against a colleague who reports concerns or otherwise cooperates with an investigation. As well as for maliciously and falsely reporting misconduct and for not cooperating with an investigation.

## **2.5 COMPLAINTS PROCEDURE**

Staff/volunteers can use the OPEnE complaints mechanism to report breaches to the Code of Conduct.

Management must guarantee that the complaints procedure in Sri Lanka meets the following requirements:

- Staff/volunteers needs to know the existence of the complaints procedure and their right to use this procedure.
- The complaint procedure should be accessible and easily understood by all staff/volunteers.
- All complaints should be dealt with confidentially.
- The procedure itself should be non-threatening and employees/volunteers need to be certain of non-retaliation.
- Staff/volunteers knows who to address the complaint to and who is in charge of dealing with the complaint.
- The complainant should be informed of alternative grievance channels.

If the complainant does not receive a justified response at district level, then the complainant can address the complaint to Chair person, OPEnE with the content of the complaint and his or her name. The complainant will receive confirmation of the receipt of the complaint within a two week with explanation and the timescale of the procedure to be followed. The chair person will decide who will be in charge of handling the complaint depending on the nature of the issue. The investigation following a complaint will make clear whether the complaint is justified or not. The person in charge of the investigation to the complaint will report to the chair person and the Team Leader about the outcome of the investigation and provide advice on the steps to be taken. The Team Leader will then decide on further action and informs the complainant. Before any disciplinary action is taken, if any, the staff member concerned will be informed in writing of the allegations made against him or her and be given the opportunity to respond to the allegations.

## **2.6 CONSEQUENCES OF ENGAGING IN MISCONDUCT**

Misconduct will lead to disciplinary measures, which could lead to dismissal. If a claim is substantiated against an OPEnE employee/volunteer, the Chairperson/Team Leader at his discretion may:

1. Issue a written warning and/or place the employee on probation
2. Terminate the employment/volunteer contract with immediate effect in accordance with the applicable staff/volunteer regulations
3. Take any other action as set out in the Staff/volunteer Regulations

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

## 2.7 REVIEW OF THE CODE OF CONDUCT

OPENE recognises that both internal and external environments change. Such change may have a bearing on the scope and content of this policy. Consequently, it will be reviewed periodically. The review process will be consultative and participatory in nature. The responsibility for initiating the policy review process rests with board of directors of OPENE. **Any breach of this Code will result in disciplinary action up to and including dismissal**

## 3. CLARIFICATION OF TERMINOLOGY

Clear definitions are essential to ensure that the proper reporting of, and responses to instances of abuse or exploitation can be handled in a consistent manner. This section provides OPENE's definitions of the terminology used in this Code. Employees are also bound by the local laws in Sri Lanka.

**Bullying:** Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, which could reasonably be regarded as undermining the individual's right to dignity.

Examples of bullying are as follows:

- Manipulation of the victim's reputation by rumour, gossip or ridicule.
- Preventing the victim from speaking by making loud voiced criticisms or obscenities.
- Social exclusion or isolation.
- Manipulating the nature of the work or the ability of the victim to perform the work e.g. by overloading, withholding information or setting meaningless tasks.
- Physical abuse, or threats of abuse.

**Bribery** is offering, promising, giving, accepting or soliciting of money, a gift or other advantages as an inducement to do something that is illegal or a breach of trust in the course of carrying out an organisations' activity.

**Child:** persons under the age of 18 years

**Corruption** is the abuse of entrusted power for private gain.

**Exploitation:** 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. This includes threatening to withhold project assistance, threatening to make false claims about a person in public, or any other negative repercussions in the work place or community. Examples of exploitation can include:

- Offering special benefits to programme participants or employees in exchange for expressed, implied or demanded (sexual) favors.
- Threats or insinuations that an individual's refusal or unwillingness to submit to demands will affect the person's entitlement to project assistance and support, or terms and conditions of employment.



**Facilitation payment** is a small bribe, also called a 'facilitating', 'speed' or 'grease' payment; made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement."

**Fraud** is a deliberate improper action which leads to financial loss to the organisation and usually also results in financial gain to the fraudster.

**Harassment:** Harassment is any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material, if the action or conduct is unwelcome to the recipient and could reasonably be regarded as offensive, humiliating or intimidating. Examples of harassment include:

- verbal harassment, jokes, comments, ridicule, or songs
- physical harassment including jostling, shoving, or any form of assault;
- intimidatory harassment including gestures, posturing, or threatening poses;
- visual display such as posters, emblems, or badges;
- isolation or exclusion from social activities;
- Pressure to behave in a manner that the employee or programme participant thinks is inappropriate - for example, being required to dress in a manner unsuited to a person's ethnic or religious background.

**Intimidation or Victimization:** Recipients will be protected against intimidation, victimisation or discrimination resulting from their alleging harassment or assistance with an investigation. If any member of staff is found retaliating against a recipient making a complaint or assisting in an investigation, then the appropriate disciplinary action - up to and including dismissal - will be imposed.

**Rape:** Rape is an act of non-consensual sexual intercourse. Any non-consensual penetration is considered rape, and may include:

- Statutory rape – sexual intercourse with a person under the age of consent, even if the person agrees to the act.
- Gang rape - rape by more than one assailant.
- Male rape - the victim and perpetrator are both male. This is sometimes known as sodomy.

Attempted Rape: Efforts to rape someone falling short of penetration.

**Sexual harassment** is defined as any:

- Act of physical intimacy
- Request for sexual favours
- Other act or conduct including spoken words, gestures, or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

Examples of sexual harassment can include:

- *Verbal abuse:* requests or demands for sexual favours, suggestive remarks, degrading abuse or insults, jokes or tricks of a sexual nature.
- *Physical abuse:* gesturing of a sexual nature, unnecessary touching, indecent exposure, and assault.
- *Visual abuse:* displaying/circulating pornographic materials.

A single incident may constitute sexual harassment. Sexual harassment can be imposed by either sex upon the other, and can include harassment of a person due to sexual orientation or preferences. Instances of sexual harassment will be treated as gross misconduct and may result in dismissal.

**Theft** is amongst other: Theft of funds or possession that belongs to OPEnE or any other organisation or person; Unauthorised use of and/or possession of OPEnE property – or of the property of a third party while acting or purporting to act on behalf of OPEnE; Serious negligence or deliberate misuse of OPEnE property; Any attempt to steal or misuse OPEnE or other organisations' or people's property. Unauthorised absence without due cause, or persistent absence or bad time keeping.

**Violence:** Violence constitutes incidents where persons are abused, threatened or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, health or well-being.

**Visitor:** a visitor to OPEnE is any individual who visits the OPEnE programmes and comes into contact with OPEnE's programme participants. This includes journalists, consultants, donors, researchers, friends, spouses, partners, family members and relatives of current OPEnE staff, etc. The definition shall not include individuals who call to OPEnE's offices for short meetings.

Date: November 2018

Approved by:



Chairperson, OPEnE

## 4. AGREEMENT

I have received, read, understand, and accept the OPEnE's Code of Conduct.

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(PRINT NAME)

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(SIGNATURE)

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(DATE)