

**EXPLANATORY NOTES TO NRC’S**

**CODE OF CONDUCT**

**Including**

**Guidelines against discrimination and harassment**

**Guidelines against sexual exploitation and abuse**

**NRC’s complaint and reporting routines**

**October 2010**

**Changes from the 2008 edition:**

**Section 2, paragraph 2.3 Media, information and IT**

**Section 4, paragraph 4.6 Relevant sources/related documents**

**Section 6, paragraph 6.1 Code of Conduct Incident report form**

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# 1 PURPOSE AND APPLICABILITY

## 1.1 Introduction

NRC shall be known for its professional humanitarian assistance and its high ethical standards. The Code of Conduct describes the ethical standards of NRC and is a formal commitment to hold ourselves accountable for our behaviour.

*The Code of Conduct applies to all staff and anyone representing NRC, who are all expected to sign the Code of Conduct. Whether signed or not the Code shall automatically form an integral part of all NRC contracts of employment and conditions of service for all staff.*

As local laws and customs may differ from one country to another, the Code of Conduct is based on international legal standards, the International Code of Conduct in Disaster Relief, the Humanitarian Charter and Minimum Standards in Disaster Response. The Code of Conduct draws on a number of documents and reflects the principles and values stated in NRC’s Policy Paper and NRC’s Human Resources strategy and other organisations Code of Conducts, including the UNHCR’ CoC (2004), IFRC’s CoC (2007) and ICVAs handbook *Building Safer Organisations* (2006).

The Code of Conduct is written in a declarative manner and does not always provide sufficient elaboration. These ethical guidelines and explanatory notes are intended to help managers explain, present, implement, monitor and enforce the Code of Conduct, so that all staff will understand the Code’s purpose and make it easier to adhere to it in everyday situations.

However, it does not pretend to provide standardised answers to all ethical dilemmas.

Staff having any doubts of the ethical implication of an action, or having any queries about the application of the Code should without delay contact their manager or HR Adviser in the field or at Head Office in Oslo for clarifications.

## 1.2 What is the Code of Conduct?

* It is a formal commitment to hold ourselves accountable for our behaviour

It identifies minimum standards of behaviour of all personnel: international and national staff at HQ and country offices, secondees, volunteers, consultants, board members and anyone representing NRC. (it comes in two versions, one for NRC staff[[1]](#footnote-1), plus a simplified version for non-staff representing NRC and/or accompanying NRC on (field) missions arranged by NRC, such asconsultants, researchers and students/external colleagues on field studies etc[[2]](#footnote-2)

* It is a mandatory commitment that we will not behave in ways that put NRC, other colleagues or our beneficiaries at risk of harm
* It is an integral part of programs, services and operations
* It is a moral code, that does not have the force of law
* It is a binding document and any breach may lead to disciplinary measures

## 1.3 How is it different from the previous Code of Conduct?

The Code of Conduct is a further development of the previous version from 2004 and includes the following new elements:

New structure and stronger emphasis on respect for co-workers, beneficiaries and people of concern

It emphasises that staff has a duty to report any breaches of the Code and to inform beneficiaries and others we work with about the Code and how any misconduct committed by NRC staff can be reported

More detailed information on roles and responsibilities of staff and management

The “I-form” used is an attempt to strengthen the personal commitment

It is more extensive and complicated to read and thus is accompanied with explanatory notes which include reporting/whistle blowing routines, guidelines against harassment and sexual exploitation and abuse, disciplinary measures and reference to relevant documents that provide more information on specific topics (e.g. NRC’s Anti corruption Guidelines and Security Instructions)

The Code of Conduct is translated into French, Arabic and Spanish and should be available in the official language in all the countries where NRC is present

## 1.4 Why do we need a Code of Conduct?

NRC recognizes that the majority of all staff act in consistence with the values and principles stated in the Code. Therefore, the introduction of the Code should not be taken as a sign of mistrust or criticism of staff, but be seen as a prevention tool and a formal commitment to hold ourselves accountable as to how we treat the people we work with and for.

Any misconduct and exploitation committed by a staff member or a person working for another humanitarian organisation undermines the credibility of our work and severely affects the victims of such acts, their families and communities. Hence, as staff we have a duty to report any breach of this Code and to inform beneficiaries and others we work with of the Code and how they can report any misconduct committed by NRC staff. See Section 3, NRC’s Information, reporting and complaint mechanisms, page 15.

*Receiving and handling reports on any misconduct is essential for NRC, as such reporting contributes to:*

* It allows us to take necessary action and prevent recurrence of similar incidents and non-conformities to the Code in the future
* documentation for internal reflection and learning purposes
* record keeping and documentation of incidents or events that may result in disputes and or personal claims, be it towards NRC as an organization, staff as individuals and /or NRC’s claims towards insurance companies or responsible entities etc.
* follow-up, record-keeping and documentation of events that may require action within the organization, along the line of authorities or in form of involving assistance from external resource persons or groups (i.e. legal experts, medical or psychological experts etc).
* Record-keeping and documentation of incidents or events that may require notification of partners, donors and media etc.

## 1.5 How to ensure awareness and adherence to the Code?

*Managers should ensure that the Code of Conduct and discussion of CoC topics become an integral part of:*

* Job interviews both at HO and in the field. Job applicants should be briefed about the Code of Conduct and “tested” on relevant issues
* Induction courses at HO and in the field and at other relevant trainings
* Performance appraisals

*Code of Conduct issues should also be discussed:*

* During pre-missions and de-briefings
* During field visits by supervisor[[3]](#footnote-3)
* Through reporting; managers will be asked to comment on efforts made for raising and maintaining necessary awareness of the Code of Conduct and the relevant control mechanisms in their periodic reports

*All NRC staff are responsible for encouraging, advocating and promoting the dissemination of the Code of Conduct and for implementing, monitoring and enforcing its standards. Great care must also be taken not to allow any false accusations to arise in connection with NRC’s work.*

*Addressing and handling CoC topics could be done through:*

* Openness about norms and values
* A management that is present and active and paves the way for openness
* Active and inclusive staff representatives/focal points
* The creation of meeting points where ethical standards can be discussed
* Discussions on how internal complaints should be handled
* Discussions on how false accusations can be minimised/avoided
* Topics and questions on whistle blowing raised on intranet, in internal news, meetings etc
* Ensuring that if/when censurable issues are discussed or revealed, the focus is on the topic - not the whistleblower
* Proper routines for reporting/whistle-blowing
* A management that at all times set good examples and acts upon misconduct

*Focusing regularly on Code of Conduct issues throughout the organisation will increase awareness, lower the threshold for staff and people of concern to come forward if alleged violations occur and make us able to respond in an expeditious and professional manner.*

# 2 GUIDELINES TO THE BASIC PRINCIPLES IN THE CODE

Most of the principles in the Code should be self explanatory, but some may raise questions, while others need deepening. This section therefore contains explanatory notes to *some* of the principles in the Code and *includes* *guidelines against* *harassment and sexual exploitation and abuse*; these are intended to help managers explain, implement, monitor and enforce the Code of Conduct. It does not pretend to provide answers to all ethical dilemmas that may arise. Managers must exercise discretion and consult HR advisers/Managers in the field or in Oslo whenever in doubt of the implication of an action.

## 2.1 Respect and dignity - Personal and professional conduct

The Code of Conduct should serve as a guide for all staff in our professional lives, and at times also in our private lives.

### 2.1.1 Official versus private performance

In principle, our private lives should remain private and NRC does not interfere with the private lives of staff members, including personal relationships.

However, we should not forget that whatever we – and international staff in particular - do outside our homes may become an object of public scrutiny. Hence in general, staff should take care not to negatively impact on the image and work of NRC in any way, e.g. by frequenting locations or undertaking activities that are illegal under international or local law, verge on illegality or otherwise undermine the image and ethical standards of NRC.

Furthermore, staff - and internationals in particular - are expected to show respect for the local practices and customs of the host government and communities where we live, visit or work. Extra caution is required while serving in small duty stations where anonymity of a NRC representative in practice does not exist.

### 2.1.2 Complying with the Code – both in theory and practice

While it is easy to agree with the Code’s principles *in theory*, the “adherence challenge” may arise when we are exposed to difficult working and living situations in the field. It is commonly known that humanitarian workers at times cross ethical lines, e.g. when it comes to driving under the influence of alcohol and/or having inappropriate sexual relations. The fact that such behaviour might be common practice within the community where we work is not a valid defence.

AS NRC staff, we must prepare ourselves mentally for how we will tackle various, challenging field situations so that we in *practice* can adhere to the Code and through our actions and behaviour become an example to our colleagues.

### 2.1.3 Sexual and/or romantic relations between staff

A consensual sexual and/or romantic relationship with a work colleague may not cause harm to either party and may not have detrimental professional consequences. However, staff in supervisory or positions of authority - and internationals in particular - should be aware of the difficulties that may arise and the possible negative perception of other staff and the local community if/when they enter into such a relationship with co-workers or subordinates.

Difficulties may arise in relation to maintaining proper boundaries between professional and personal life, exhibiting bias in performance assessments, compromising on correct professional decisions or negatively impacting team relationships in the working environment. It may be particularly difficult to convince other staff that their colleague has not been favoured (or punished) because of the relationship.

Furthermore, such relationships can even become indirectly or directly harmful when/if expectations are not followed through and/or when (the international) staff member eventually leaves the post etc. E.g. when/ if a national staff member is faced with reactions and/or “consequences” from the local community due to his/her (previous) romantic relations with an international staff member etc.

For these reasons, supervisors - and international staff in particular - are discouraged from initiating/entering into romantic and/or sexual relations with staff.

As sexual and/or romantic relationships between staff in general might have an impact on the day to day working relations/environment, all staff (including supervisors, internationals, subordinates, staff at the same level, staff within the same project/department etc) who find themselves in or entering into a romantic or sexual relationship have to resolve this potential conflict without delay.

This includes that all staff who become couples should inform their immediate supervisor of the situation. The supervisor (in consultation with Country Director or HR Manager when necessary) will then advise the couple involved, and thus see whether or not it would be wise that one of them seeks a new assignment, or a transfer with a view to removing the team relations, the power or the hierarchical relationship between the two staff members concerned.

Cases will always be handled individually, in consultation with HR adviser in Oslo when necessary.

## 2.2 Conflict of interest - Financial and material resources

Corruption and financial misconduct within the organisation may damage NRC’s work and reputation, at times even humanitarian work as a whole, and the morale of our staff. NRC has zero tolerance for all types of corruption and is treating this issue seriously. Anti-corruption work is also becoming increasingly focused on by donors and media. Anti-corruption awareness should be constantly on the agenda. Worldwide, whistle blowing has proved to be the most efficient control measurement.

To help and support staff and management in understanding, avoiding and handling conflict of interest/corruption cases, NRC has established reporting/whistle blowing routines where staff have a duty to report breaches of the Code of Conduct (see page 20) and developed the following toolkits; *Anti-corruption Guidelines (2006)* and a training tool for staff *Anti-corruption Awareness (2008.* These documents explain and define the different aspects of corruption. The guidelines also point at what staff should look for with regards to anti-corruption measures and how to handle corruption and conflict of interest cases if they occur.

## 2.3 Media, information and IT

“We shall recognize and portray internally displaced persons and refugees as dignified humans, not as hopeless objects in our information, publicity and advertising activities. We shall also avoid competing for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the safety of staff or beneficiaries.” (the Int. Code of Conduct in Disaster Relief)

NRC staff members and other users are granted access to NRC’s computing systems as a job fulfillment tool in their line of work for NRC. Any stored information is the property of NRC, and NRC retains the right to access this information at anytime. Still, NRC respects the privacy of staff members. Hence, the NRC Instruction for Employe's access to employee's stored data shall be followed strictly in the event that NRC decides to demand access to one or more employee’s e-mail or files. See chap.4 for the instruction.

NRC’s media/information guidelines do not restrict the employee’s right to notify media, supervisory authorities or other public authorities concerning censurable conditions at the workplace if NRC’s established reporting routines have been ineffective. See page 15 for more information regarding NRC’s complaint and reporting mechanisms.

## 2.4 Alcohol, criminal and unethical activities - Safety, health and welfare

One of the most common breaches of the Code is drinking and driving in the field. That it appears to be common practice within the community where we work is not a valid defence. It is an institutional responsibility, delegated to the Country Director to pursue a working and living environment that makes it unacceptable for NRC personnel to drive and to work under the influence of alcohol.

Any knowledge of staff handling any kind of motorized transportation means under influence of alcohol or illegal intoxicants should be reported and dealt with as breach of the Code, and lead to consequences for the individual’s contract.

If a staff member causes damage to NRC’s property while under the influence of alcohol or drugs and/or if he/she uses any NRC assets improperly or recklessly, he/she may be held responsible for the damages incurred.

The safety and welfare of staff are of paramount importance. Staff should demonstrate responsible behaviour that minimizes the risks for themselves and others and strictly observe NRC’s at all times valid safety and security instructions.

It is important to keep in mind that *NRC’s security procedures and regulations* are mandatory and more thorough and specific than what is outlined in the Code of Conduct.

In order to maintain safety, a good working environment and productivity at work, a reasonable balance between work and private life is essential. Managers are expected to encourage staff to get sufficient time to rest, do physical exercises and to recuperate.

HO should pay specific attention to the exceptionally heavy working pressure that is at times put on country directors and managers in the field, and advice them accordingly.

## 2.5 Working environment

NRC’s human resources strategy defines NRC’s core values and states that all employees at all levels must relate to the following values:

***Dedicated***

* Dedication to and identification with the Norwegian Refugee Council’s mandate and values
* Willingness to put the target group first
* Commitment to developing the Norwegian Refugee Council as an organization

***Innovative***

* Think unconventionally, be creative – and inspire others
* Be open to new challenges and new and alternative solutions
* Dare to be controversial on behalf of refugees. Have the courage to advocate for the best solutions for refugees and internally displaced persons

***Inclusive***

* Openness in processes. Involvement across levels and organizational units based on mutual respect
* Openness and clarity in expectations of colleagues
* Joint responsibility for helping one another to do a good job

***Accountable***

* Accountability for the organization as a whole, both in terms of execution of one’s own work and development of a constructive community
* Consistency and integrity in all information and all decision-making processes
* Loyalty to the defined goals and decisions that have been taken

As members of NRC’s staff, we are all responsible for building a good working environment where these values, combined with *politeness, respect* and *tolerance* do set the norm.

In light of the diverse backgrounds, cultures and experiences of NRC staff, we should take extra care to respect our colleagues and others we work with. Lack of communication, personality differences, and lack of empathy[[4]](#footnote-4) can have a serious negative impact on the working environment.

There must be trust and open dialogue between management and other staff.

There is often a fine line between poor managerial practices and the issues of conduct covered by the code. Accordingly, managers do not only have a particular responsibility for, but can also have significant influence in fostering a harmonious workplace.

Each staff member should take active part in all areas of the working environment and report to his/her supervisor and/or appointed Staff Representatives/Focal points if problems occur and suggest improvements.

### 2.5.1 Guidelines against discrimination and harassment

Discrimination, harassment, or bullying (mobbing) on the grounds of race, gender, religion, colour, national or ethnic origin, language, sexual orientation, age, social status, disability, political conviction or hierarchy within NRC is not tolerated. NRC staff are prohibited from engaging in any forms of intimidating, humiliating, degrading, abusive or aggressive behaviour towards beneficiaries and other persons we work with or for.

It is well known that discrimination and harassment have a negative impact on the working environment, the career and well-being of staff, and are unacceptable in the workplace itself and in other situations connected with work, e.g. on duty travels, courses, seminars etc.

Harassment can take many forms. It can be physical, verbal, visual or written (including electronic media such as e-mails). It can also be one incident or a series of incidents and can occur at work or during non-working hours. In general, incidents which are not deemed serious would need to be repeated in order to constitute a harassment claim.

It is important to keep in mind that staff often have different thresholds and levels of tolerance and response. This gives each staff member the right to decide for his/her self that a particular conduct is unacceptable.

NRC staff is obliged to create and maintain an environment that prevents harassment, discrimination, physical or verbal abuse, intimidation or favouritism in the workplace. Managers at all levels have a particular responsibility to support and develop systems free of harassment, exploitation and sexual abuse.

In NRC harassment/bullying is defined in NRC-117558: "It is harassment when one or several people repeatedly, and over time, are subjected to negative actions from one or several other people. Harassment may, for example, include unwanted sexual attention, continual bothering, freezing out, deprivation of work tasks, or hurtful joking and teasing. Furthermore, there will normally be an imbalance in power relations that makes it difficult for victims of harassment to defend themselves. Conflicts between two persons of approximately equal strength are not considered harassment, nor are isolated conflict episodes. The power relation between the parties is not necessarily about formal positions in an organisation. The way we usually apply the term, a person can be exposed to bullying from managers as well as peers.”

Harassment may include unwanted sexual attention, being deprived of duties and/or left out, malicious teasing or pestering by one or more persons.

*Sexual harassment* is defined as any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition for employment or creates an intimidating, hostile or offensive working environment.

However, sexual or sexually *suggestive attention* may even be welcome, especially when coming from a supervisor or someone in a position of power. Because of the underlying potential for abuse of power, supervisors and internationals must show personal responsibility, and are therefore discouraged from initiating and/or entering into romantic relationships with staff.

Both male and female staff members can be either the injured party or the offender.

Each case and situation where an accusation of harassment occurs has to be considered individually. In some cases it will be difficult to establish the dividing line between harassment and other work-related conflicts.

It is important to keep in mind that some behaviour that might be perceived as harassment by some, can simply be a necessary and justified managerial response or an honest “mistake” from a colleague based on different culture or mentality.

HR staff in the Country Office and/or in Oslo have the responsibility to assist managers in identifying, resolving and sanctioning harassment acts, retaliation acts and/or deliberately false or malicious allegations[[5]](#footnote-5).

## 2.6 Prohibition against sexual exploitation and abuse

NRC is aware that sexual exploitation and abuse may occur in all levels of society and is treating this issue seriously.

### 2.6.1 Guidelines against sexual exploitation and abuse

Reports of sexual exploitation and abuse (SEA) in refugee camps in West Africa and Nepal in 2001/02[[6]](#footnote-6), demonstrated that NGOs working with persons of concern must improve their capacity to act on complaints of staffs misconduct and rectify inconsistencies and gaps in their policies for prevention of, and response to sexual exploitation and abuse of disaster survivors.

**UN definition**

The UN Secretary General’s bulletin from 2003 defines *Sexual exploitation* as 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. *Sexual abuse* means the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions.

**Cultural considerations**

One of the most serious complaints to an organisation is that a staff member has abused or exploited a beneficiary. The Code of Conduct together withthese guidelines is NRC’s core policy for preventing sexual exploitation and abuse, either between staff and beneficiaries or between co-workers.

It is important to be aware that in some beneficiary communities where we work, sex and gender based violence is common. The community structures allow such practices to develop, making women and children extremely vulnerable to abuse and exploitation. The lack of economic options for displaced populations/persons of concern may result in commercial and exploitive sex as one of the few options for income generation.

Children who live away from home in schools or children’s homes are especially exposed to abuse and exploitation. There is often a reluctance to believe that boys/young men are vulnerable to such abuse and often it is associated with social taboos to admit that it exists. Myths and barriers may also prevent the recognition or belief that disabled people may be abused, but where they are socially isolated and excluded from the community and dependent on aid agencies for their survival, disabled women and children become particularly vulnerable.

**Private employment of beneficiaries**

NRC staff should normally avoid recruiting beneficiaries to work for them in a personal capacity (e.g. as domestic workers) whenever possible, because of the potential for and/or perception of preferential privilege given to some, abuse or exploitation. Needless to say, this should be strictly adhered to with regards to employing younger children. A rule of thumb would be to ensure that conditions of employment are no worse than locally accepted norms *if* there are very good reasons for hiring a (adult) beneficiary. Reporting to, or discussing the existence of such an employment relationship with your supervisor, HR Manager or Country Director is a step intended to establish clarity in what could otherwise become an ethically ambiguous situation.

**NRC policy**

We must be aware that in most contexts within the organisation the possibility for abusing a position of power or confidence exists. NRC staff members must never abuse their power or position in the delivering of humanitarian assistance through withholding assistance, or by giving preferential treatment. Requests/demands for payment, privilege or special benefits, including sexual favours and acts[[7]](#footnote-7) between staff and beneficiaries are strictly forbidden. We also have to keep in mind that sexual, emotional, financial or employment relations between staff and beneficiaries, even if we see them as consensual and non-exploitive, could be perceived by others in the humanitarian community and the public as an abuse of power and trust, or as a conflict of interest. Hence, NRC staff are prohibited from engaging in sexual relationships with beneficiaries. Likewise, any abuse of power or trust committed by staff towards another staff member, e.g. accepting sex in exchange of a job offer is strictly forbidden.

NRC recognizes that international standards of behaviour and acts must be upheld and that these standards will take precedence over local and national cultures practices. Sexual activity with children, defined according to the UN Convention on the Rights of the Child as all persons under the age of 18, is strictly prohibited. Having been misled regarding the age of the child is not a valid defence. This strict prohibition does not apply where a staff member is legally married to someone under the age of 18. Country directors may exercise discretion in cases where national staff are in a consensual relationship with a local partner under 18, but above the age of majority or consent locally.

Different considerations will also arise regarding the enforcement of these principles for staff hired from the beneficiary community. While sexual exploitation and abuse and the misuse of humanitarian assistance will always be prohibited, discretion may be used in the application of the principles regarding consensual and proper sexual relationships for this category of worker.

**Duty to report**

All employees have a duty to report any allegations of behaviour that might be abusive or exploitive of beneficiaries or staff. This applies equally if the allegation concerns an NRC colleague or staff from another organisation.

If NRC is informed about sexual abuse, we will consider it important to clarify what has happened, to implement possible reactions and to contribute to giving each of the involved parties the qualified support they need. NRC will contribute to rectify the damage, prevent new abuses from occurring and to stop further abuse.

*For more information regarding prevention and response related to SEA matters, please* ***see the following Section III about NRC’s******complaint and reporting mechanisms***

***ICVA****’s “****Building Safer Organisations Handbook“*** *(December 2006[[8]](#footnote-8)) has additional information and training materials on receiving and investing allegations of abuse and exploitation by humanitarian workers.*

*You can also contact* ***HAP International,*** *based in Geneva (Humanitarian, Accountability Partnership organisation) of which NRC is a member. HAP has taken over ICVAs Building Safer Organisations Project and offers information, training and advice to its members. See [www.hapinternational.org](http://www.hapinternational.org).*

***Check with UNHCR or UNICEF to see if there is an overall inter-agency network on SEA issues in your country of operation, as this should help facilitate regular prevention and response consultations with representatives of all relevant organisations including UN, NGOs and national government authorities.***

## 2.7 Quick guide to Code of Conduct awareness

## 2.7 Quick guide to Code of Conduct awareness

**Keep a regular focus on CoC issues**

All staff

[See **1.5** page 5](#_1.5_How_to)

**Appoint Lead Focal Point**

Country Director

[See](#_3.3.1_Lead_focal) **[3.3.1](#_3.3.1_Lead_focal)** [page 17](#_3.3.1_Lead_focal)

**Appoint and train designated CoC focal points in each worksite , where necessary**

Country Director/Lead focal point

[See](#_3.3.2_Locally_designated) **[3.3.2](#_3.3.2_Locally_designated)** [page 17](#_3.3.2_Locally_designated)

**Train all NRC staff on CoC topics including SEA Guidelines**

Country Director/Lead focal point

[See **3.3.1** page 17](#_3.3.1_Lead_focal)  [and **2.6.1** page 11](#_2.6.1_Guidelines_against)

**Inform NRC’s beneficiaries on how to address complaints**

Line/Senior Manager

[See **3.2** page 15](#_3.2_How_to)

**Make sure all staff know how to channel a complaints**

Line/Senior Manager/Country Director

[See **3.3.3** page 18,](#_3.3.3__Channelling)

[**3.4.1** page 19](#_3.4.1_NRC’s_reporting) [and **3.4.2** page 20](#_3.4.2_NRC’s_reporting)

# 3 NRC’s INFORMATION, COMPLAINT AND REPORTING MECHANISMS

## 3.1 Background

The behaviour and professionalism of most NRC staff is generally exemplary, but we recognize that the abuse of power or accusations of such abuse is possible. Such abuse hurts not only the people we serve, but also damages NRC’s image and reputation, at times even humanitarian work as a whole, and the morale of our staff. Having a Code of Conduct is an important tool in improving our accountability, but it is not enough on its own, as having a policy does not automatically mean that it will never be violated. We need systems in place to ensure that we can take appropriate action, when/if there is a breach of the standards we set for our staff.

By establishing guidelines and reporting mechanisms, we want to raise awareness and lower the personal barriers that may motivate individuals to keep quiet. The sooner any breach of the Code is detected, the easier it is to prevent any severe harm from developing. The aim is not to create fear or to foster a culture of mistrust. Great care must also be taken throughout the organization, not to allow any false accusations to arise in connection with NRC’s work.

For the sake of simplicity, hereinafter when referring to the “NRC Manager in charge” we refer to the *Country Director,* as the majority of our staff are working in the field*.* However, the same managerial responsibility will apply for the respective HO Managers when/if staff working and employed by HO in Oslo are involved.

*It is essential that managers make sure that all staff are informed and trained in NRC’s information, complaint and reporting mechanisms.*

*Suitable mechanisms directed towards national staff (including volunteers) and beneficiaries based on the particular local contexts should be developed in consultation with local staff, beneficiaries, the UN and other NGOs working in the field.*

## 3.2 How to inform beneficiaries

**Management responsibility**

All supervisors and managers are responsible for communicating the Code’s principles to those we work with and for, and must make sure that beneficiaries and all staff (including volunteers) know about NRC’s Code of Conduct and that they have the opportunity to report breaches of the Code and abuse committed by NRC personnel without fear of reprisal. A mechanism will only be effective if people of concern are aware of their rights and what mechanisms exist to enforce them.

There is no magic formula for designing a universally safe, confidential, transparent and accessible information and complaint mechanism, as each established information and complaint mechanism must be based on the respective local contexts and hence in consultation with the beneficiaries and the local staff. However, as a guiding tool the following information mechanisms to beneficiaries and people of concern have shown to be effective:

*NRC’s beneficiaries need to know:*

* Basic principles of NRC’s Code of Conduct and its purpose
* Definition of sexual exploitation and abuse
* That they have a right to be free of harassment, discrimination, exploitation and sexual abuse
* NRC’s objectives and selection criteria for the (relevant) program/project(s)
* To whom they can complain and where that person(s) is located (contact details of NRC’s focal points and NRC’s Country Office)
* How they can complain, including the stages/procedures of the handlings of the complaint
* That under no circumstances should anyone be required to report an alleged violation to a person/focal point she/he believes to be involved in the violation
* Which steps they can take to ensure confidentiality and which steps NRC will take to ensure safety and confidentiality

*As a minimum, NRC need to have in place:*

* Focal points, preferably trusted staff members of the community
* Multiple, accessible “entry points” for lodging complaints[[9]](#footnote-9), also directed towards the most vulnerable in the population, including methods that can be used by people who cannot read or write
* Explored possibilities for safe spaces for witnesses who may be in danger as a result of the complaint[[10]](#footnote-10)
* Procedures for making complaints by proxy (i.e. that allow one person to complain for another) and/or that allow people to make anonymous complaints
* Response mechanisms to deal with the complaints once they are made

**Barriers to reporting**

It is important to keep in mind that barriers to reporting vary greatly from place to place (even in the same country) depending on factors such as the nature of the humanitarian crises, the level of vulnerability and the local social and gender norms. Hence it is essential that managers develop information and complaint mechanisms directed towards beneficiaries, national staff and volunteers, based on the particular local contexts in consultation with our beneficiaries and the local staff. Each country office must also find the most appropriate type of communication tool in each location, e.g. through posters, drama, focus groups, community groups etc.

The “culture for complaints” may vary locally and the word ‘complaint’ can even have slightly different meanings when translated into local languages, which results in how a complainant may be perceived, and whether it is acceptable to complain about certain issues. Levels of literacy among different groups will determine whether it is viable to have a written option for complaints submission and/or if details about the complaint can be shared via personal meetings with the focal points or through phone etc.

We must aim at finding methods for reporting that include vulnerable groups (in remote areas) so that children and elderly, boys and girls, men and women, able and disabled, and ethnic minorities can all raise concerns. Local culture will determine if it is acceptable for a male worker to receive complaints from women in the community. Similarly inter-clan relations may influence who should be involved in receiving, assessing and responding to complaints in order to minimise the politicisation of the complaint and the perceptions of bias.

*Information and advice on how to inform and assist beneficiaries and people of concern should be sought from local staff, other NGOs and UN offices working in the areas, and from speaking directly with more vulnerable groups. Contact other NGOs in the area, “cross-organisations mechanisms” on joint information and complaint handling of sexual exploitation and abuse have often proved to be useful and should be encouraged wherever feasible.*

## 3.3 Be prepared to receive allegations and complaints

### 3.3.1 Lead focal point

Each (country) office should appoint one lead focal point, e.g. an appointed Staff Representative, HR personnel of sufficient seniority or the Protection and Advocacy Adviser, whose key task is to lead on the Code of Conduct issue, with special emphasis on sexual exploitation and abuse (SEA).

**Tasks of the lead focal point**

With support from the Country Director, the lead focal point is the champion or advocate on Code of Conduct topics, with a special emphasis on sexual exploitation and abuse issues within their country of operation, and will provide a link between the Country Director, the Human Resource Adviser in Oslo and the country programs, including the designated focal points in each work site. The lead focal point will be expected to undertake or support the following tasks:

* Champion the SEA issue locally; through training, discussion with NRC colleagues, raising the issue in team meetings etc. to maintain the interest and focus.
* Participate in, or initiate inter-agency meetings on Preventing Sexual Abuse and Exploitation to assess and review the situation nationally, and report back to the CD
* Ensure that the SEA issue is included in orientation for all new staff, (international, national and volunteers) and ensure they formally acknowledge acceptance of the standards.
* Conduct periodic training[[11]](#footnote-11)/discussion sessions with staff to ensure that all formally acknowledge and accept the Code of Conduct and the SEA policy, and maintain a focus and awareness about the issue.
* Introduce any updates of the SEA Policy and/or associated CoC procedures to all staff.
* Liaise with NRC’s lead focal points in other countries for mutual technical support, updates and advice.
* Facilitate discussions with partner organizations (particularly implementing partners) on the SEA Policy, and encourage their adoption of similar standards/policies. This may include helping them to identify the support and resources they will need to achieve this.
* Ensure that all staff knows that you are available and accessible to any of them who may want to raise concerns about possible violations of this policy.
* Identify/review how the issue has been publicised with beneficiaries, and recommend additional strategies to the CD.

### 3.3.2 Locally designated person(s)

In addition to the lead focal point, if necessary, there should be one or more designated persons (national staff) in each work site[[12]](#footnote-12). This is meant to expand and clarify reporting routes – to make sure that staff and beneficiaries know at least one way to bring forward their concerns.

The need for, and the number of designated focal points should reflect the scope of the program and the local context. Having more than two persons allows for more options should the person reporting feel uncomfortable with one of them. It is important not to make assumptions whom these persons will be, but ask various community stakeholders, including women, young people and the disabled who they will prefer as focal points. Under no circumstances are beneficiaries/persons of concern or staff required to report to a person she/he believes is involved in a misconduct.

**Tasks of the person (s) designated to receive complaints in each work site**

The designated person(s) in specific work sites will be the persons to receive complaints from beneficiaries about possible misconduct, abuse or exploitation by a member of NRC staff. The person(s) would be expected to have other duties in the work site, and thus avoid the possible risk of anyone approaching him/her as being immediately identifiable as a complainant.

* The person(s) should be someone with credibility within the community and perceived as trustworthy, competent, and approachable.
* The designated person(s) will receive information and training on responding to a complainant and be fully briefed about NRC’s established information and reporting mechanisms.
* Ideally, both female and male staff members should be appointed as designated persons.
* The designated person(s) must understand that his/her role is not to investigate the allegation, but to pass on the information through the established reporting mechanisms
* The complaint should be recorded, on NRC’s[[13]](#footnote-13) reporting template if possible, and sent in a sealed envelope through a secure route to the line manager or the lead focal point
* The designated person (s) should be fully briefed about NRC’s commitment to maintaining confidentiality, ensuring that only those who need to know will be informed and only with the authorisation of the CD.
* Given the nature of some allegations, the safety /security of the designated person(s) should be assessed/addressed and regularly reviewed.
* If the allegation concerns a member of staff of another organization, including other NGOs, the UN, contractors, third parties, representatives of national and local authorities and/or the law enforcement or military personnel, the same reporting procedure should be used. It is the responsibility of the CD to inform the other organization.
* The designated person(s) should not pass the information to anyone implicated in the allegation.
* The designated person/focal point will probably not be the only member of the staff to hear concerns from co-workers and/or beneficiaries. His/her appointment is aimed at expanding and simplifying the complaint options available to beneficiaries and staff.

### 3.3.3 Channelling complaints

In theory, any staff member can be approached by a beneficiary with a complaint. Beneficiaries and staff may also report directly to the lead focal point, any senior manager or the Country Director. Staff who fails to report concerns or to act on information provided will be subjected to disciplinary measures. Hence not only the focal points, but all staff should be briefed on how to respond.

Staff who receive a complaint are not to initiate an investigation, nor are they to judge the validity of the allegation. Staff must ensure that all confidential information, including reports and allegations of breaches of the Code committed by co-workers, obtained from beneficiaries or colleagues, is channelled correctly and handled with utmost confidentiality**.**

*The following key points are useful to remember when/if receiving an allegation:*

* Make sure to have reporting templates available
* Stay calm, open and receptive
* Take it seriously; the unthinkable is possible
* Check safety/support needs
* If feasible, refer the complainant to the focal point/designated person
* If the focal point is not available, proceed and prepare to forward information
* The complaint should be recorded, on NRC’s reporting template[[14]](#footnote-14) if possible, and sent (e.g. in a sealed envelope) through a secure route to the line manager, the focal point, or any senior manager as described in NRC’s reporting channels.
* If the allegation is of sexual assault or other forms of violence victims should be offered and provided medical and counselling assistance, as soon as possible after reception of an allegation, particularly if there is a risk of transmission of disease. When possible this should be within 72 hours. This will generally be done through referral to the appropriate service provider (medical clinics or other organisations able to treat these needs)
* “The 72 hour rule” is critical for forensic evidence gathering and post incident medical care (e.g. transmission of disease). However, it should be recognized that regardless of when the incident occurred, medical care should be offered.
* Should a victim refuse medical service, her/his wish must be respected.

**When receiving a complaint:**

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| **DO:**   * Ensure complainant knows he/she is doing the right thing. * Introduce yourself and the role you play in taking the complaint. * Acknowledge if there are any language difficulties that may hinder you getting an accurate report and have a plan in place for potential trustworthy interpreters. * Explain the boundaries of confidentiality – the complainant should understand that information will only be shared on a need to know basis, but that complete confidentiality cannot be guaranteed. Obtain consent before passing on information. * Ask only one question at a time. * Keep questions short and simple. * Allow the complainant sufficient time to complete the answer before asking new questions. Pace yourself according to how quickly/slowly he or she is progressing. * Make sure the complainant understands what you are asking and that you understand his or her answer. * Be patient, particularly with younger children: they will need time to respond. * Ensure that the complainant agrees to the accuracy stated in the complaint form prior to the conclusion of the interview. * Sensitively determine the health and security needs of the complainant. * Explain what will happen next.     **DON’T:**   * Do not fill pauses by asking additional questions or making irrelevant comments. * Do not ask complex questions or use words the complainant does not understand. * Do not interrupt the complainant when he or she is still speaking. * Do not show shock or horror, or retaliate at anything that is reported to you. |

## 3.4 Blowing the whistle

### 3.4.1 NRC’s reporting channels

All staff and anyone else representing NRC who becomes aware of possible breaches of the Code committed by NRC personnel or any other humanitarian worker, partner and/or third parties doing business with NRC, must report alleged violations immediately through one of the three reporting channels:

1. Through line manager or any senior manager
2. Through appointed focal points or staff representatives
3. Through the HR Manager in the field or HR Adviser in Oslo[[15]](#footnote-15)

*Reports can be done per phone, email or in a letter. The whistleblower may also report in person.*

The reporting procedures can also be used by others, e.g. the public, beneficiaries, people of concern, partners, contractors and other humanitarian workers.

**Reports/complaints should preferably include the following:**

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| * Full name, title, workplace and phone number of the whistleblower (can be anonymous) * Your knowledge of and relationship to the person making the complaint (i.e. if you report on behalf of a beneficiary) * The nature of the complaint * What could serve as evidence * Which rules, laws or principles in the CoC are violated * Exactly what has been observed by you * Date, time and exact location for the observation * Name and workplace of the subject of the complaint   *See NRC’s reporting template attached.*  ***NB! The electronic version of the NRC CoC Incident Reporting Template can only be accessed via the Intranet.*** |

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### 3.4.2 NRC’s reporting routines

NRC’s reporting routines are based on the following principles:

* Before making a complaint, staff must exercise due care in order not to harm the employer, working environment or colleagues unnecessarily
* NRC accepts that reporting along the management line may be difficult or even impossible in certain cases, i.e. if line manager is involved in the allegations and/or if a staff member feels more comfortable in reporting to another manager or an appointed staff representative or focal point. Under no circumstances is any NRC staff member or beneficiary required to report an alleged violation to a person whom she/he believes to be involved in the violation.
* As the threshold for approaching senior managers for raising sensitive issues, e.g. sexual exploitation and abuse (SEA) cases may be high among beneficiaries and some of the staff, each country office should appoint trusted staff members among its national staff (both male and female) as focal points for receiving reports on alleged misconduct and make it known to all staff in the workplace who these focal points are.
* Staff at HO in Oslo may choose to report to the safety delegate/personnel safety representative or to the staff representative at the Working Environment Committee (AMU).
* Staff shall ensure that all confidential information, including reports and allegations of breaches of the Code committed by co-workers, obtained from beneficiaries or colleagues, is channelled correctly and handled with utmost confidentiality.
* NRC acknowledges that the decision to report on misconduct may be difficult and, in some situations, risky as well. NRC will grant full anonymity of the whistleblower. However, appropriate actions will normally require that a whistleblower is ready to reveal his/her name and convey whatever information is deemed relevant[[16]](#footnote-16).
* NRC will take all necessary steps against any form of retaliation suffered by staff or others reporting possible breaches of the Code of Conduct.
* The internal investigation should be handled with neutrality, treating all individuals involved – both the alleged victim and perpetrator - with respect and dignity.
* The physical and psychological well-being of any SEA victim or potential victim must be a primary concern throughout the reporting and investigation process.
* Any breach of this Code of Conduct may lead to disciplinary action, dismissal or even legal action. Applicable laws and contracts of employment will be followed.
* Intentionally false accusations and reports are seen as a breach of the Code of Conduct and will be subject to disciplinary action.
* All NRC staff are expected to report incidents and violations truthfully and responsibly. NRC staff, who fails to report allegations that have been brought to their attention or to act on information that they know of or should know, will be subjected to disciplinary measures.
* All staff - managers and focal points in particular - should practice an open door policy and take all complaints or rumours about abuse seriously.
* External information is to be handled by the Country Director, Head of the Respective Department in Oslo or the Director Advocacy and Information Department. (See page 31, *Information procedures in misconduct cases*)

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| **The Norwegian Working Environment Act (2007) Section 2-4 states that an employee working in Norway *has the right to notify concerning censurable conditions* in the work place.** You will find additional information – *in Norwegian* - **regarding how the law applies for NRC personnel working in Norway on the intranet** and read more about whistle-blowing in *Arbeidstilsynets veiledningshefte om varsling av kritikkverdige forhold på arbeidsplassen* on [www.arbeidstilsynet.no](http://www.arbeidstilsynet.no) |

### 3.4.3 Internal information and security routines for follow up of complaints

* The receiver of the report (from NRC’s reporting channel) informs the Country Director about the complaint
* If the alleged violation involves staff of another organization, the (NRC) Country Director alerts the Country Director of the other organisation.
* Only those who need to know should be informed.
* Country Director must without delay send the report to the Security Unit in Oslo for security considerations and security advice.
* The security issue must always be taken into consideration when an alleged violation of the Code is discovered. Investigating or reporting a potential misconduct might create security implications for those involved. This includes the security of:
  + Those being involved in the misconduct
  + Whistleblowers (including suspected whistleblowers)
  + Those investigating the complaint
* In criminal cases NRC will alert the police and take legal action, if appropriate. See Section 4 – disciplinary measures, page 29.
* If the Country Director decides to proceed with an internal investigation, and the alleged victim is a refugee or an IDP, the Country Director should notify UNHCR for possible protection issues to follow up on
* In order to protect the reporter/whistleblower and the involved bodies or individuals, the report should be classified and marked as confidential if it contains serious violations of the Code of Conduct, embezzlements and violations of law, disciplinary actions and/or injuries where the names of the injured and suspect are mentioned.
* The object of the complaint should normally be informed that a complaint has been received and what the complaint is about, unless there is a potential security risk that evidence could be destroyed and revenge taken against the whistleblower and others involved. However, care must prevail before attempts are made to establish the validity and source of the complaint.
* The whistleblower should be informed without delay that the report is received and what steps will follow next, and that the accusations will be treated with care.
* The Security Unit in Oslo is responsible for filing all incident reports received in an electronic database. All reports except confidential reports will be scanned and filed as a part of the database. For statistical purposes also confidential reports shall be entered into the database, but excluding revealing personal data.
* Confidential reports will be handled by the Human Resources Department (both in the field and in Oslo) and stored properly by them.
* On a regular basis the Security Unit in Oslo will produce a general report that gives a status (both statistical and narrative) of the reported incidents. This report will be submitted to the Management Group at HO for information and for internal learning purposes. It is crucial that we learn and understand which situations and mechanisms may lead to violations of the rules, for preventive purposes.

## 3.5 Quick guide to how to receive/handle complaints

*ensure that all information, including reports obtained from beneficiaries or colleagues is channelled correctly and handled with utmost confidentiality.*

**AT ALL TIMES MAKE SURE YOU:**

**Maintain confidentiality and inform only those who need to know**

**Do not underestimate security implications**

**Classify the report as confidential if it contains serious allegations**

## 3.5 Quick guide to how to receive/handle complaints

**1. Asses whether the situation in question is a breach of Code of Conduct**

**2. Fill in NRC’s Code of Conduct incident reporting template**

**3. Report misconduct through NRC’s reporting channels**

**4. Receiver of the complaint informs CD**

**5. CD alerts other organisations if staff from another organisation is involved**

**7. CD informs Security unit in Oslo**

**6. CD notifies UNCHR, if victim is a refuge or IDP**

**8. CD assesses whether the complaint is an alleged violation of**

**the CoC.**

**9. Line manager follows up if just a minor breach**

**10. CD appoints an investigation team if serious concern**

**11. Investigation team follows set investigation procedures**

Observer or Receiver of complaint

Observer or Receiver of complaint

[See **6.1** page 34](#_6.1_Code_of) or intranet for an electronic version

Observer or Receiver of complaint

[See **3.3.3** page 18](#_3.3.3__Channelling) [and **3.4.1** page 20](#_3.4.1_NRC’s_reporting)

Reporting channel

[See](#_3.4.3_Internal_information) **[3.4.3](#_3.4.3_Internal_information)** [page 21](#_3.4.3_Internal_information)

Country Director

[See](#_3.4.3_Internal_information) **[3.4.3](#_3.4.3_Internal_information)** [page 21](#_3.4.3_Internal_information)

Country Director

[See](#_3.4.3_Internal_information) **[3.4.3](#_3.4.3_Internal_information)** [page 21](#_3.4.3_Internal_information)

Country Director

[See **3.4.3** page 21](#_3.4.3_Internal_information)

Country Director/line manager

[See **4.1.1** page 24](#_4.1.1_Steps_towards)

Line/Senior Manager

[See **4.1.1** page 24](#_4.1.1_Steps_towards)

Country Director

[See **4.1.1** page 24](#_4.1.1_Steps_towards)

(Internal) Investigation Team

[See **4.1.2** page 25](#_4.1.2_Responsibilities,_roles)

[and **4.2** and **4.3** page 27](#_4.2_Confidentiality)

CD/HR Adviser in Oslo

**12. CD decides upon course of action**

[See **4.1.3** page 26](#_4.1.3_Country_Director) [and **4.5** page 29](#_4.5_Disciplinary_measures)

# 4 INVESTIGATION, DISCIPLINARY MEASURES AND INFORMATION PROCEDURES

## 4.1 Investigation

It is of utmost importance that NRC’s Management (for the sake of simplicity, hereinafter referred to as Country Director) react against and take seriously all alleged violations of which they are made aware.

At the same time, the reaction must be proportionate to the situation. When faced with an allegation, we must also keep in mind that false accusations could be used as a personal or political tool to damage the reputation of the organization, a single person or a group of persons.

All allegations should be assessed, but with discretion. Even the perception of corruption, sexual exploitation and other misconducts can cause serious negative effects on the objects of the accusation and NRC as an organization.

*The alleged victim and the subject of the complaint, and other persons involved must throughout the investigation process be treated with respect and dignity. NRC must display care towards the involved parties, which includes conducting a fair and impartial investigation*.

### 4.1.1 Steps towards an investigation

The time frame for any investigation should be as short as possible, but will vary depending on the complexity of the individual case. Steps taken will depend upon the nature of the allegation.

In cases where multiple agencies are involved in the complaint, all such agencies must be involved in the investigation and consideration given to conducting a joint investigation.

If the allegation is being investigated by the police[[17]](#footnote-17), the Country Director should immediately inform Line Manager in Oslo and HR Adviser in Oslo, who will decide if NRC investigation should be pending, awaiting the outcome of the police investigation and/or any subsequent legal proceedings.

*In other situations than those described above, the Country Director[[18]](#footnote-18) or designated manager should base the first steps towards an internal investigation on the following:*

* Assess whether the complaint concerns an alleged violation of the Code of Conduct or not, and if there is sufficient information to proceed with an investigation.
* Anonymous complaints are possible to investigate if there is sufficient background information and/or good leads to witnesses who can give strong testimony about the alleged abuse.
* If the complaint relates to a minor breach of the CoC, the Country Director refers the complaint to the line manager for investigation/follow up, following the same guidelines as explained below.
* Any sort of investigation or fact finding should be done in such a way as to preserve anonymity of parties to the investigation and preserve all opportunities for gathering evidence. Investigations conducted in a haphazard manner can seriously jeopardize the willing/honest participation of parties and access to evidence, and the safety to those involved.
* Security implications should not be underestimated and the guidance given from the Security Unit in Oslo and/or in the field must be strictly followed.
* If the complaint is of serious concern and there is sufficient information to investigate, an internal investigation team should be appointed, whose task is to interview witnesses as soon as possible after receiving the allegation. Using the interview techniques as described below.
* Human Resources at HO should always be consulted in serious allegations, and possible reinforcement offered the investigation team, including appointing an external investigation team if necessary.

### 4.1.2 Responsibilities, roles and composition of the internal investigation team

The investigation team should normally keep a low profile, conduct interviews discreetly, and choose the location for the interviews carefully. Never interview the alleged victim/insulted person and the subject of the complaint in the same place at the same time. If interviewing in a camp, the team can for example travel as part of a wider team of staff.

* The investigation team is appointed by the Country Director and should consist of two senior staff members (or more if necessary) with the following, preferred qualifications: responsible and trustworthy, independent, with no material-, personal- or professional interest in the outcome of the complaint and no personal relations to the witnesses[[19]](#footnote-19).
* If possible, the team should (at least) include both a man and a woman.
* The individuals chosen will follow the investigation to completion to ensure continuity (unless a conflict of interest or safety concern arises during the investigation process).
* If a senior staff member at a country office is suspected to be part in a serious misconduct, it should be considered to have a representative from HO in Oslo or from another country office to handle (or support) the investigation team [[20]](#footnote-20).
* The investigation team shall report directly to the Country Director, or to another manager appointed by the Country Director and base the investigation on:
  + NRC’s Code of Conduct
  + National employment laws
  + National criminal laws
  + International and humanitarian laws and standards
  + NRC’s contracts and terms and conditions for staff
  + Contracts between NRC and the subject of complaint
* During the NRC investigation, all witnesses (including complainant and subject of complaint) should be advised of:
  + the purpose of the interview;
  + the importance of confidentiality, and the circumstances under which it cannot be guaranteed (see box above);
  + that retaliation against or intimidation of the victim and/or complainant is strictly prohibited;
  + that NRC staff are required to cooperate with the investigation
  + that the case is handled by NRC as an organization, not by a certain individual(s)[[21]](#footnote-21)
  + that a record of the interview will be made.
* The investigation team should be in charge of the following tasks:
  + Undertaking the internal investigation with neutrality, treating all individuals – both the alleged victim and suspect - with dignity and due respect for the rights of all individuals involved
  + Assessing and making further recommendations on safety and confidentiality in consultation with the Security Unit in Oslo
  + Securing and gathering evidence
  + Making recommendations on the work status of the subject of the complaint for the duration of the investigation, e.g. if the alleged suspect should be suspended or transferred to another (field) office etc[[22]](#footnote-22).
  + Clarifying who needs to be interviewed, where the interviews will be conducted, how information will be recorded and how confidentiality will be preserved
  + Conducting interviews, using the interview techniques as described in box below
  + Ascertain whether or not the staff member has breached NRC's Code of Conduct and present their findings to the CD
  + Checking safety/support needs of complainant, victim and subject of the complaint
  + Identifying aspects of program delivery or performance that increase risks of abuse and exploitation
  + Making recommendations of improvements to the policies and practices that may have enabled the exploitation/abuse to occur
  + Compiling and submitting the investigation report, summarizing the allegation and the information obtained.

### 4.1.3 Country Director responsibilities:

* Appointing the internal investigation team
* Being available for the investigation team.
* Making key decisions in consultation with HR adviser in Oslo, including when to start and to conclude the investigation
* Ensuring that the investigation is conducted according to key principles and NRC’s procedures
* Looking into the possibility of seeking expert advice or assistance from outsiders, e.g. lawyers and auditors with in-country legal/financial expertise, psycho/social experts or specialists in interviewing, computer specialists etc.
* Receiving the final investigation report and submit it to the Director International Programme Department and HR Adviser in Oslo.
* Liaising with external institutional stakeholders, such as national authorities and other agencies, if appropriate and approved by Head of International Programme Department in Oslo
* Decide upon an appropriate course of action including disciplinary measures. In serious cases this is done in consultation with Line Manager in Oslo (or Director International Programme Department) and HR Adviser in Oslo
* In serious cases, the Country Director may suspend the subject of the complaint with salary during the internal investigation, or take other necessary action to safeguard all the parties to the investigation, including the subject him/herself, and other sources of evidence, pending the outcome of the investigation. This will be a neutral act, neither suggesting that the subject is guilty, nor that the complainant is lying. This step should always be taken in consultation with the Security Unit and HR adviser in Oslo, and checked against the national legislation

## 4.2 Confidentiality

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| ***What does confidentiality mean in investigations?***   * Non-disclosure of IDENTITY is the critical point * It must not be disclosed to anyone other than the designated NRC senior management and the member (s) of the investigation team.   ***Whose identities are protected?***   * Complainant, victim and the subject of the complaint during the investigation.   ***Is it an absolute right to remain unidentified? What are the exceptions?***   * When there is a real risk to the safety of the complainant, other people or organizations. * When the case is beyond NRC’s control, e.g. reported to police or media * In cases of doubt, the Secretary General will make the decision as to whether the confidentiality clause will apply.   ***Remember:***   * We should always seek the consent of the complainant or victim if we need to disclose their identity. * The confidentiality policy includes all of us and our actions. If we witness or hear of an incident of abuse or exploitation by a member of staff, we must only report it to our supervisor and never share it with our friends, family or co-workers. If we act as a member of an investigation team, we must not disclose any information to anyone other than the designated senior NRC manager. |

## 4.3 Interview techniques in investigations

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| * Once the investigators know whom to interview, they should consider the order of the interviews. The common practice is to interview the complainant first and the subject of the complaint last. This means that the general order of witness is[[23]](#footnote-23):   1. Complainant or original victim (e.g. in a Sexual Exploitation and abuse case)  2. Other potential victims/insulted persons  3. Witness with indirect knowledge of the misconduct  4. Witness with direct knowledge of misconduct  5. The subject of the complaint   * The general principle is to avoid re-interviewing witnesses whenever possible. * Witnesses should always be interviewed in the language of her/his choice[[24]](#footnote-24)   ***Some basic techniques that can help elicit the relevant information:***  ***DO:***   * Be courteous, objective and professional * Ask direct and simple questions * Regularly confirm information provided by the witness * Ask the witness to clarify ambiguous terms of information * Conduct the interview at the pace of the witness * Give the witness time to think and to answer questions without interruption * Record the time interview begin and ends, any breaks in the interview and any absence of participants from the interview room   ***DON’T****:*   * Do not use vague language, jargon, acronyms or euphemisms[[25]](#footnote-25) * Do not ask long, leading or compound questions * Do not give feedback on the witness’ testimony, even unintentionally, through face expressions and voice inflections * Do not make moral or legal judgments * Do not make promises you cannot keep |

### 4.3.1 The four stages of interviewing:

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| ***Establish rapport:***   * Introduce yourself and the co-investigator and anyone else present at the interview * Give the witness a business card with contact details * Explain the roles of everyone at the interview * Clarify the purpose of the interview, without giving details of the allegation * Clarify the ground rules * Ensure the witness knows her/his rights and obligations * Offer the witness refreshment and inform that she/he is entitled to reasonable brakes and refreshment during the interview * Make small talk on neutral subjects such as the witness’ work, hobbies etc to put her/him at ease   ***Free narrative:***   * Ask very open questions, i.e. “Can you tell me about your duties?” * Use neutral prompts that relate to the witness’ account (without referring to other witness’ testimony), i.e. “And then what happened?” * Repeat key phrases * Ask for further clarification * Adopt an “active listener” posture   ***Specific questions:***   * Open ended questions, i.e. “Tell me more about your teachers” * Specific questions, i.e. “What happened after you went back to the school?” * Closed questions, i.e. “What was he wearing when you went to school?”   ***Closure:***   * Check with the co-investigator if there are outstanding matters * Summarise what the witness has said * Ask if the witness has anything to add * Answer any questions she or he has * Remind the witness how to make contact with the interviewer * Note the time on the record of the interview * Thank the witness for her/his time |

If the investigation concerns ***Sexual Exploitation and Abuse (SEA***), more information and advice can be sought from ***ICVA’s Investigation Guidelines*** (where most of NRC’s recommendations are coming from) in the **ICVA Handbook *Building Safer Organisations, page 36-43.*** NB! Extra caution must be shown where/if children are involved, as described in ICVA’s guidelines.

## 4.4 Concluding the investigation

The investigation process should be performed and concluded as expediently as possible and include one of the following recommendations*:*

* 1. The possible breach is groundless and/or unconfirmed. Therefore, it is determined that the case will be closed and no disciplinary process shall be opened
  2. The issues presented are of a personnel conflict matter rather than Code of Conduct nature. Therefore, it is determined that the matter shall be referred to line manager for follow up and no disciplinary process shall be opened.
  3. The report/complaint of possible breach raises legitimate concerns that staff has breached the Code of Conduct. Therefore, it is determined that a disciplinary process should be opened.

## 4.5 Disciplinary measures

The nature of discipline is corrective, rather than punitive, and its purpose is to motivate employees to accept the rules and standards of conduct which are desirable or necessary to achieve the goals and objectives of NRC.

The level of management involved should be proportionate to the severity of the disciplinary measure, e.g. the disciplinary process will be handled by the Country Director[[26]](#footnote-26) in cases of gross violations, in consultations with HR Adviser and respective senior manager in Oslo. (Country Directors are not entitled to terminate international staff’s contracts, this responsibility rests with HR Director in Oslo). In cases of minor breaches, the Country Director will refer the case to line manager for appropriate disciplinary action.

In criminal cases NRC will alert the police and take legal action, if appropriate. In some countries however, the police and prosecutors can be part of the crime or otherwise corrupt, thus in certain cases/countries extra care and discretion must be used before taking legal action. Some countries have traditions for using different forms of “witch-craft” to find out the truth in criminal cases. NRC does not allow the use of such methods.

*It is important that the Country Director or designated manager is fully briefed about the respective national labour law and local practises before taking any interim or final action, e.g. suspension during an internal investigation or dismissal. This is to avoid court proceedings etc where the staff member wins the case, either because the disciplinary code was illegitimate according to national legislation or because the legal system is corrupt.*

When the Country Director or respective manager determines that a violation of the Code of Conduct has taken place,[[27]](#footnote-27) prompt disciplinary action will be taken against the offending person(s).

*Breaches of the Code of Conduct will result in disciplinary reactions, varying from:*

* Oral reprimand, if just a minor breach
* written warnings in less serious cases
* suspension in serious cases
* immediate contract termination in more serious cases

**Oral reprimand**

— is a verbal disciplinary measure that includes a statement outlining to the employee the nature of the misconduct, the corrective action required, and the consequences should it not be corrected. No record of this measure is to be placed in the employee's personnel file[[28]](#footnote-28)

**Written warning**

— is a formal written warning that misconduct has occurred. It should outline the nature of the misconduct, the corrective action required, and the consequences should it not be corrected. If more severe disciplinary action should later become necessary, the record of the reprimand(s) in the personnel file will demonstrate that the employee was made aware of the corrective action required and the consequences of further misconduct.

*Multiple written warnings* (more than two) may result in dismissals.

**Suspension**

— is the temporary removal of the employee from the place of work (with pay) as a consequence of misconduct. The notice of suspension should include the nature of the misconduct, the corrective action required and the consequences should it not be corrected.

A suspension may be imposed in the following situations:

* Pending investigation of certain suspected misconduct when the presence of the employee at work cannot be tolerated or could undermine or impede the investigation.
* When imposing a definitive disciplinary measure for an act of misconduct.

**Dismissal**

— is the removal of the employee as a consequence of misconduct. The decision should be taken only after careful consideration and when it is determined that the employee has violated the Code of Conduct. The employee is entitled to the notice period provided by his/her contract

**Summary dismissal**

—is the immediate removal of the employee and the most severe disciplinary measure. The decision should be taken only after careful consideration and when it is determined that the employee is no longer suitable for continued employment by reason of serious misconduct. It may be used after a series of acts of misconducts have occurred, or for a single act of serious misconduct.

***A log of offences should be kept in the personnel file, detailing all occasions and the reasoning for when/why the Disciplinary Code is used****.*

When in doubt of which disciplinary code to use, consult the HR Adviser in Oslo.

**The right to appeal**

The subject of the complaint has the right to be informed about the decision of the process and appeal this decision. If he/she wishes to appeal, he/she must write a letter to the Country Director (or to HR Director in Oslo if it concerns HO staff and/or international staff), explaining the wish to appeal. Human Resources or the lead focal point for Code of Conduct issues will be able to support the subject of complaint in drafting this letter if the person is not comfortable approaching the Country Director (or HR Director in Oslo) directly.

*For preventive and human resources purposes, NRC’s management should at all times be receptive to learning and understanding which structural and individual mechanisms and situations are causing violations of Code of Conduct*.

## 4.6 Information procedures in misconduct cases

* In consultation with Director International Programme Department in Oslo, the Country Director will decide when and how to share the results and outcome of the investigation with any outside agencies/organizations in the country.
* Information gathered should be kept confidential to the extent possible, and only shared on a need-to-know basis.
* Records should be stored securely to avoid accidental or unauthorized disclosure of information.
* The subject of the complaint will be informed of the outcome of the investigation and any decisions regarding disciplinary action. The information will be kept in his/her personnel file.
* The complainant/whistleblower should be informed of the outcome of the investigation in general terms, but shall have no right of access to any related records.

The International Programme Department in Oslo is normally responsible for the internal communication if serious misconducts occurred in the field; line manager, Security Coordinator, Director Advocacy and Information in Oslo and Secretary General should be informed at the earliest possible stage. The line manager in Oslo is accordingly responsible for the internal communication if the violation occurred in Oslo, or was committed by a HO staff member. Whether all staff at the HO and/or worldwide should be informed depends on the case. The Secretary General will make this decision.

The International Programme Department in Oslo is responsible for notifying the donors about any serious misconduct. Relevant donors and partners in the country where the misconduct has taken place should be informed when found appropriate by the Country Director, after consultations with Oslo.

*NRC's policy is to be open with donors and partners about such incidents and is moreover based on the following*:

* Only the Secretary General and Director Advocacy and Information department in Oslo can issue statements to media and the press.
* NRC is a transparent organization with an open attitude towards media.
* Promotion of our Code of Conduct and supporting guidelines (Sexual Exploitation and Abuse guidelines, Security Advisory and Anti-corruption Guidelines) should be a by-product of all information
* It is crucial that Country Director and/or respective manager inform and consult Director Advocacy and Information in Oslo and NRC’s press officers at an early stage, whether NRC is to go public with the case or not. The Information and Advocacy Department shall immediately develop a media strategy with “talking points”, in order to be prepared to answer any questions.
* Whether, and at which point, NRC shall inform the media, must be decided upon in each individual case. All measures as to maintaining the anonymity of the involved have to be explored, before informing media.
* Tell the truth when dealing with the press. This builds trust and might even help us influence how the case is presented. The press will normally find out the story anyway and a string of new discoveries connected with “half-lies” is very bad for our reputation.

**Relevant sources/related documents**

*NRC’s Personnel handbook* (Norwegian) <http://www.flyktninghjelpen.no/intranet/?did=9152411>

*NRC Personnel Guidelines for National Staff* (in progress 2008)

*NRC Security Instructions*

[*http://www.flyktninghjelpen.no/intranet/?did=9160929*](http://www.flyktninghjelpen.no/intranet/?did=9160929)

*NRC’s Anti-corruption Guidelines* (2006) <http://www.flyktninghjelpen.no/intranet/?did=9163529>

*NRC’s Anti-corruption awareness training tool* (2008) <http://www.flyktninghjelpen.no/intranet/?did=9226094>

*UN Convention against Corruption* (UNCAC)

[*http://www.unodc.org/pdf/corruption/publications\_unodc\_convention-e.pdf*](http://www.unodc.org/pdf/corruption/publications_unodc_convention-e.pdf)

*Transparency International*

[*www.transparency.org*](http://www.transparency.org)

*ICVA Building Safer Organisations* (2006)

<http://www.icva.ch/doc00001781.html>

*HAP International* (Humanitarian Accountability Partnership Organisation)

www.hapinternational.org

*NRC’s Gender Policy* (2007)

<http://www.flyktninghjelpen.no/intranet/?did=9211859>

*IASC Guidelines for Gender –based Violence Interventions in humanitarian settings*. (2005)

<http://www.humanitarianinfo.org/iasc/content/subsidi/tf_gender/gbv.asp>

*IASC Women, Girls, Boys and Men different needs – equal opportunities, Gender handbook in Humanitarian Action*

[*http://www.humanitarianinfo.org/iasc/content/documents/subsidi/tf\_gender/IASC%20Gender%20Handbook%20(Feb%202007).pdf*](http://www.humanitarianinfo.org/iasc/content/documents/subsidi/tf_gender/IASC%20Gender%20Handbook%20(Feb%202007).pdf)

*NRC’s Communication Plan (2008)*

*In Norwegian - Arbeidstilsynets veileder om kritikkverdige forhold på arbeidsplassen.*

[www.arbeidstilsynet.no](http://www.arbeidstilsynet.no)

Instruction for Employer’s access to Employee’s stored data <http://www.nrc.no/intranet/arch/DocumentManager.aspx?dmid=122432&ext=doc>

NRC Country Operations ICT User Guidelines

<http://www.nrc.no/intranet/arch/DocumentManager.aspx?dmid=122315&ext=doc>

## 

## 5. GLOSSARY

Beneficiary (or person of concern) – a person who receives assistance as part of either emergency relief or development aid through assistance programmes

Code of conduct - a set of ethical standards about behaviour that staff of an organisation are obliged to adhere to

Complainant - the person making a complaint.

Complaint mechanism **–** processes that allow individuals to report concerns, such as breaches of NRC policies and Code of Conduct. Examples of such mechanisms include available information, whistle blowing routines and designated focal points

Focal point – a person designated to receive complaints

Subject of the Complaint – the person alleged to have perpetrated the misconduct in the complaint

Whistle blowing routines – an organisation’s policy which encourages staff members to report suspicions of misconduct by colleagues, according to established reporting channels

Witness **–** a person who gives testimony or evidence in the investigation

## 6. APPENDICES

## 6.1 Code of Conduct Incident report form

The following document can be found on Intranet: <http://www.nrc.no/intranet/arch/DocumentManager.aspx?dmid=46600&ext=doc>



1. NRC-44266 – see intranet [↑](#footnote-ref-1)
2. NRC-48995 – see intranet [↑](#footnote-ref-2)
3. i.e. Head of Section and/or Program Coordinator from International Programme Department when visiting country offices, and when CD, FAM, AM, PD, PMs or Heads of Departments are visiting field offices [↑](#footnote-ref-3)
4. i.e. the inability or unwillingness to see other colleagues’ points of view can have serious negative impact on the working environment. [↑](#footnote-ref-4)
5. Those who experience or expect to face threats as a consequence of reported misconduct could benefit from introducing a prevention policy against work place violence. Guidance can be sought from the Security Unit in Oslo. [↑](#footnote-ref-5)
6. *The experience of refugee children in Liberia, Guinea and Sierra Leone (UNHCR and Save the Children, UK, 2002) and the UN IASC Task Force on Preventing Sexual Exploitation and Abuse in Humanitarian Crises (2002)* [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)
8. These guidelines will be revised by HAP International during 2008 [↑](#footnote-ref-8)
9. i.e available mail boxes, complaint referral forms and where those making the complaints can meet with the focal points in person . [↑](#footnote-ref-9)
10. However, NRC does not have the capacity to promise any witness protection program [↑](#footnote-ref-10)
11. E.g. can be done by using NRC’s guidelines and/or ICVA’s or HAP International’s training manuals, or through hiring external SEA trainers from the UN or other NGOs in the country. [↑](#footnote-ref-11)
12. Where appropriate, for example the security focal points, nominated by similar criteria [↑](#footnote-ref-12)
13. [↑](#footnote-ref-13)
14. NRC’s Reporting Template is attached on page X. An electronic version is only available via the intranet [↑](#footnote-ref-14)
15. Staff working in country offices may report to HR Manager or FAM at the Country Office, while staff working in Oslo or employed by HQ may report to HR Adviser in Oslo [↑](#footnote-ref-15)
16. With the emphasis on not putting the whistleblower in a difficult situation where he/she unwanted will be confronted by the subject of the complaint [↑](#footnote-ref-16)
17. E.g. in cases where beneficiaries or someone from the public have reported the case to the police [↑](#footnote-ref-17)
18. The same principles will apply when/if the investigation is taking place in Oslo by the *respective HQ Manager* when/if HQ staff are involved in alleged violations [↑](#footnote-ref-18)
19. Ideally, investigators will speak the language of (most of) the potential witnesses [↑](#footnote-ref-19)
20. Same will apply if the CD is part of the conflict/misconduct [↑](#footnote-ref-20)
21. [↑](#footnote-ref-21)
22. In this process, the subject of complaint’s ability and capacity to do harm must be assessed. [↑](#footnote-ref-22)
23. should however be subject to your assessment of the credibility of the information and what interviewing order serves/protects the case and the involved the best [↑](#footnote-ref-23)
24. The interpreter must be suitable for such a task; e.g. with reference to ethnicity, religion, nationality and personal affiliations with the subject [↑](#footnote-ref-24)
25. A **euphemism** is the substitution of an agreeable or less offensive expression in place of one that may offend or suggest something unpleasant to the listener; or in the case of [doublespeak](http://en.wikipedia.org/wiki/Euphemism#Doublespeak#Doublespeak), to make it less troublesome for the speaker [↑](#footnote-ref-25)
26. For simplicity reasons, responsible manager is hereinafter referred to as Country Director. Same principles will apply for the respective HO Managers if the procedures involve staff working in Oslo [↑](#footnote-ref-26)
27. Based on the findings from the investigation [↑](#footnote-ref-27)
28. Except for minutes from the conversation, when justified. [↑](#footnote-ref-28)