HAP Humanitarian
Accountability
Partnership

"making humanitarian action accountable to beneficiaries"

NGO Checklist
for
Developing or Revising
Codes of Conduct

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This is a checklist for organisations developing or revising their code of conduct. This checklist includes critical questions to consider as an organisation and policies or statements to include in any code of conduct.
HAP thanks People in Aid for their support in developing this checklist.

o   Define the scope of the code of conduct (CoC), i.e. who it applies to such as employees, volunteers, consultants, interns, local staff, incentive workers, dependents of staff, trustees and other individuals representing the organisation. Where certain groups of people are excluded from the code a clear explanation of this should be provided.

o   Be clear about when and where the CoC applies. Is it while staff are on duty, off duty and / or while on leave, etc? The CoC may have different applications in different locations, linked with local laws. It is important to note however that United National (UN) staff and UN-related personnel (staff of agencies in a contractual agreement with the UN) are obliged to comply with the standards of the _Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (SGB)_[1] as well as with local laws. Where the SGB establishes a stricter standard than local laws, the standards of the SGB will prevail.

o   Cleary identify the types of prohibited conduct and clearly state that staff must refrain from any acts of misconduct. Prohibited conduct can include physical or verbal abuse, sexual activity with a child (anyone under the age of eighteen), theft of physical items and intellectual property, in appropriate use of assets, inappropriate use of email/social networking, fraud, bribery, misrepresentation of the organisation or another staff member, breaching confidentiality, all forms of exploitation and abuse[2] (including sexual), etc.

o   Consider including statements of expected attitudes and behaviour of staff such as cultural sensitivity that are in line with your organisation's values and principles.

o   Ensure that the CoC states the consequences of engaging in conduct that breaches this policy, i.e. breaches of any standards in the CoC are grounds for disciplinary actions, up to and including dismissal.

o   Include and explain in detail the mandatory reporting policy and whistle blowing policy. An effective mandatory reporting policy will tell staff unambiguously:
    o   when to report
    o   to whom to report
    o   how to report
    o   what will happen if they do not report any concerns or suspicions (including possible disciplinary action)

    An effective whistle blowing policy clearly identifies:
    o   no action will be taken against a staff member reporting concerns in good faith

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[1] United Nations Secretariat. 9 October 2003. _Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation_, 2003/13 (ST/SGB/2003/13). United Nations. http://www.hapinternational.org/pool/files/sgs-bulletin.pdf
[2] Sexual harassment can also be included in the organization's Code of Conduct however it must be treated separately to sexual exploitation and abuse. Sexual harassment is staff to staff while sexual exploitation and abuse is staff to beneficiary.

- o disciplinary measures will be taken against staff:
  - for retaliating against a colleague who reports concerns or otherwise cooperates with an investigation;
  - for maliciously and falsely reporting misconduct; and
  - for not cooperating with an investigation

- o Clearly define any ambiguous terminology directly in the CoC and / or attach a glossary of terms. It is important to define terms, particularly when referring to types of behaviour that are not permitted or could be breaches of the CoC. It is also important to ensure that the terms used in the CoC, and any other relevant internal document(s) are consistent. For example, if inappropriate behaviour is defined in one document, it should be used in all other documents in a consistent way with the same meaning.

- o Refer to the investigation procedures in a step by step process and explain when investigations will be undertaken. Also detail the disciplinary procedures if an allegation is substantiated by reasonable inference. [3]

- o Clearly state the confidentiality policy of the organisation.

- o Include a clause in the CoC stating that it forms part of all contracts of employment or conditions of service.

- o Include a statement of receipt and understanding section that staff are requested to sign and date.

- o The code needs to be clear as to who within the organisation is responsible for ensuring that it is implemented, monitored and evaluated. Include a statement that managers have a particular responsibility to ensure staff are informed, receive and understand the CoC either through ensuring staff sign the CoC when signing their contract, receive training on the CoC during inductions, annually and / or during performance appraisals, etc.

- o Senior leadership affirmation is essential in CoC development. Broad consultation within the organisation, with local and international staff and beneficiaries advances the process.

- o Include any links to relevant policies that are not detailed in the CoC, such as the full whistleblowing policy, mandatory reporting policy, sexual harassment policy, etc.

- o Before finalising the CoC, it is advisable to consult with a legal expert in order to ensure that the CoC
  - o meets with national labour laws of your organisation's headquarters' country;
  - o is consistent; and
  - o staff can legally be held to account if they breach the CoC.

- o Regularly review of CoC, as a way to ensure that the agency code is matching the work reality.

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[3] Refer to *HAP/Building Safer Organisations (BSO) Guidelines on receiving and investigating allegations of abuse and exploitation by humanitarian workers,* 2006, for guidance on investigation procedures. http://www.hapinternational.org/pool/files/bso-guidelines.pdf