



# THE LUTHERAN WORLD FEDERATION

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COMMUNION OF CHURCHES – EINE KIRCHENGEMEINSCHAFT – UNA COMUNIÓN DE IGLESIAS – UNE COMMUNION D'ÉGLISES LUTHERISCHER WELTBUND – FEDERACIÓN LUTERANA MUNDIAL – FÉDÉRATION LUTHÉRIENNE MONDIALE

## LWF STAFF CODE OF CONDUCT REGARDING SEXUAL EXPLOITATION AND ABUSE, ABUSE OF POWER, FRAUD AND CORRUPTION<sup>1</sup>

**January 2013**

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<sup>1</sup> This document is a revision of, and therefore replaces, the LWF Code of Conduct approved in December 2005. This document has benefited from elements of the “ACT Alliance Code of Conduct for the prevention of sexual exploitation and abuse, fraud and corruption and abuse of power, for all staff of ACT members and the ACT Secretariat”, February 2011.

## INTRODUCTION

**The Lutheran World Federation (LWF) Code of Conduct** is intended to assist all LWF employees<sup>2</sup> to make ethical decisions in their professional and private lives, both within and outside office hours, and to better understand the obligations placed upon their conduct. This Code refers to any misuse of power and exploitation in the working relationships among LWF employees and with those they serve, in areas of sexual exploitation and abuse, harassment, fraud and corruption, and unethical business practices. It has been developed to complement and enhance already existing “Codes of Conduct”. As a policy document, the LWF Code of Conduct will be adhered to by all LWF employees, who are required to sign on page 6 below, indicating understanding and agreement with its content and possible implications due to the LWF zero tolerance policy.

### **Background**

Basic ethical commitments and standards are to be lived out in the work of the LWF. These include

- Respect for the dignity and integrity of all human beings
- Fair and just treatment of all, without discrimination, exploitation or harassment
- Responsible stewardship in the exercise of power and use of financial and other resources
- Respect for diversity, inclusiveness and participation, and transparency and accountability

All employed by the organization are expected to comply with these commitments.

These commitments call for special attention in international and multicultural work contexts where differences based on race, ethnicity, religion, gender, age or disability can lead to attitudes or practices that violate individuals’ personal integrity or sense of what is appropriate. In addition, in some locations poverty, conflict or displacement inevitably erode and weaken social and political structures aimed at protecting local communities. The temptations to misuse power, harass and exploit others, especially in relation to sexuality are considerable, and therefore must be constrained. Particular attention must therefore be given to humanitarian contexts in the field, where:

- a) the lack of economic opportunities may result in commercial and exploitative sex being one of the few options for generating income to meet basic needs.
- b) crisis-affected and target communities come from an environment of gender-based violence.
- c) the usual social protections are not in place or are no longer functioning, levels of protection and security are generally poor, or justice and policing frequently do not exist.

Creating an overall atmosphere or organizational “culture,” with ongoing awareness raising and educational efforts, is crucial to prevent the abusive use of power, sexual exploitation, harassment, fraud and corruption and unethical business practices. It is fundamental to preserve the responsible exercise of power and respect for the dignity and justice of all persons.

### **Legal and ethical dimensions**

LWF management has the responsibility to ensure that all staff are aware of this Code of Conduct, that they understand its meaning in concrete terms, and that they apply its elements to their program context. LWF staff have a particular responsibility to uphold these standards, to set a good example and to create a working environment that supports and empowers staff.

### **Zero tolerance**

The LWF Code of Conduct embodies zero tolerance with regards to sexual exploitation and abuse, harassment, abuse of power, fraud and corruption in all of our activities and responsibilities, at the organizational or program level in our humanitarian, development and advocacy work, and applying rules and penalties for any breaches or violations. When the Code of Conduct is violated, necessary procedures and disciplinary measures shall be applied according to the appropriate LWF personnel policies.<sup>3</sup>

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<sup>2</sup> See “Key Terms and Conditions”, annexed to this document, for definitions.

<sup>3</sup> Essential LWF/DWS policies in this regard are: LWF Geneva Secretariat Personnel Regulations, January 2011, section 15.5., page 41; LWF Personnel Policies, July 2010, section 20.2, page 30, and section 21., page 31; and the LWF International Field Staff Personnel Regulations, section 16.5, page 56.

## **LWF STAFF CODE OF CONDUCT REGARDING SEXUAL EXPLOITATION AND ABUSE, ABUSE OF POWER, FRAUD AND CORRUPTION**

The LWF Code of Conduct outlines the responsibilities of all staff to safeguard the dignity and rights of people with whom they work. It is designed to assist staff to understand and comply with obligations placed on their conduct, and to prevent sexual exploitation and abuse, all forms of harassment, fraud and corruption and unethical business practices.

### **GENERAL COMPONENTS:**

The LWF staff must:

1. Uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of goods and services in the execution of their jobs.
2. Respect the dignity and worth of every individual, and adhere to LWF values.
3. Respect and promote fundamental human rights without discrimination of any kind and including discrimination based on race, ethnicity, language, color, religion, gender, sexual orientation, age, disability, marital status, socio-economic status, national origin, or political affiliation.
4. Treat all work colleagues, persons with whom we work and other persons fairly and with respect, courtesy, dignity and according to the respective country law, international law, and local customs.
5. Never commit any act or form of sexual exploitation or harassment.
6. Never commit any act of fraud, corruption or unethical business practice, including conflict of interest in the work place.
7. Create and maintain an environment that prevents abuse of power and sexual exploitation, and promotes the implementation of the Code of Conduct. Managers at all levels have a responsibility to support and develop procedures that maintain this environment, particularly related to gender inequities.

### **SPECIFIC COMPONENTS:**

#### **A. Sexual exploitation and abuse:**

Sexual exploitation or harassment is activity that could result in physical, sexual or psychological harm or suffering to individuals, especially women and minors.

Sexual exploitation and abuse can occur in many different environments – in a daily work context of an office, in travel and meetings away from the office, or in humanitarian crises where the dependency of affected populations on humanitarian agencies for their basic needs creates a particular ethical responsibility and duty of care on the part of LWF staff. Females are often particularly vulnerable. Managers must ensure that effective mechanisms are in place to prevent and respond to sexual exploitation and abuse.

LWF staff shall:

1. Never engage in sexual exploitation or abuse of any crisis-affected target group (women, men, girls and boys), person, and colleague or crisis-affected and target group. This constitutes an act of gross misconduct and is therefore grounds for termination of employment.
2. Never exploit the vulnerability of any colleague or crisis-affected or target group, especially women and minors, or allow any person/s to be put into compromising situations.
3. Never engage in any sexual activity with minors, regardless of whether the legal age in a given country may be less than 18, or act in ways that may place a child at risk of abuse, regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child

is not a defense.

4. Never exchange money, employment, goods, or services for sex, including sexual favors. All forms of humiliating, degrading or exploitative behavior are prohibited.
5. Particularly in the humanitarian context, never abuse one's position to withhold assistance, nor give preferential treatment in order to solicit sexual favors, gifts, payments or personal gains of any kind. The employee should be conscious of not taking advantage of his/her position.
6. Never engage in sexual relationships with staff and/or crisis-affected or target populations, when power dynamics are unequal and the risk of exploitation is present. Such relationships undermine the credibility and integrity of humanitarian aid work. An exception may apply in [extreme] cases in the field, when one partner/spouse of a couple from a crisis-affected or target population becomes a staff member.

#### **B. Harassment:**

LWF staff shall never commit any act or form of harassment resulting in physical, sexual or psychological harm or suffering to individuals, especially women and children. LWF does not tolerate any form of workplace violation such as harassment (including sexual, gender and racial harassment), intimidation and discrimination, that is, any unwelcome comment or behavior that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behavior that fails to respect the dignity of an individual.

LWF staff shall:

1. Treat everyone with dignity and respect in the workplace, speak with civility and fairness, listen carefully, and consider other's wellbeing. This includes communities with which LWF works.
2. Never commit any act or form of harassment as it causes physical, sexual, psychological or emotional harm or suffering to individuals, especially women, children and people with disabilities.
3. Never engage in any behavior, deliberate or otherwise, that makes the recipient feel persecuted, vulnerable and powerless.
4. Understand what constitutes harassment, recognize early signs of it (especially sexual, gender and racial harassment) and take swift action to prevent and resolve.
5. Understand what constitutes intimidation, empower staff that are affected by it, develop strategies for reducing and stopping it, and take necessary disciplinary action against those found to have committed an act or form of harassment.
6. Never tolerate violent, harassing or discriminatory behavior of any kind directed toward another person in the workplace or in the communities with whom LWF works.
7. Never access the internet in the workplace for purposes contrary to the mandate, vision, mission, core values, or programmatic objectives of LWF (e.g., pornography and gambling).

#### **C. Fraud and corruption:**

LWF in all its programs recognizes the importance of having in place effective systems of prevention and deterrence of fraud, both in field locations and in the communion office. This will include strong systems of internal control, effective lines of communication and supervision, establishment of a professional working environment, and fraud risk appraisal systems at country and regional levels.

LWF staff shall:

1. Promote a culture of honesty and openness among LWF staff and management.
2. Be transparent in all work-related financial transactions.
3. Never accept, solicit or promise any kind of undue payment or favor and actively say "no" to any such practices
4. Never steal, misuse or misappropriate funds or property, ensuring that financial and other resources are used solely for the intended purposes. This applies also to any other income generated such as any interest received/earned on the funds.
5. Never engage in document or check forgery, money laundering, taking of commissions and influencing tender processes for improper benefit and theft.
6. Create a work environment where communities and staff can safely and confidentially raise and report all serious concerns about suspected fraud and corruption, and where "whistle blowers" will be protected.

7. Never knowingly support individuals or entities involved in illegal activities.
8. Never deliberately destroy, falsify, alter or conceal evidence related to an investigation or make false statements to investigators in order to materially influence or impede investigations into corrupt, fraudulent, coercive or collusive allegations.
9. Conduct all business in accordance with internationally accepted practices and procedures and uphold the highest standards of accountability and transparency in relations to finances, management and governance, where relevant.

**D. Unethical business practices:**

LWF promotes moral and ethical business practices, including transparent, accountable, and honest practices in financial transactions, donations, gifts, and human resources management. LWF staff shall avoid conflicts of interest and activities which may affect LWF's credibility and integrity.

LWF staff shall:

1. Always follow transparent, accountable and honest practices when receiving cash donations from public and private sources earmarked for humanitarian or development purposes.
2. Never use or accept a bribe in the form of money, goods and or services to secure a contract for services when dealing with suppliers in any development or humanitarian work.
3. Never take part in activities that generate personal, organizational or collective profit such as buying or selling when such activities may affect or appear to affect LWF's credibility or integrity.
4. Never share in the profits or budget leftovers as kickbacks, cuts or discounts for personal or organizational benefits.
5. Declare any known or potential conflicts of interest to LWF (e.g. direct relationship with service providers or suppliers of goods for LWF programs or family members).
6. Not accept any gifts or other favors that may influence the performance of staff functions or duties. Gifts are defined as, but not limited to: services, travel, entertainment, and material goods, among others. In order to respect national and local traditions and conventional hospitality, minor token gifts such as pens, calendars, desk diaries, etc. can be accepted on behalf of LWF and should be declared to the appropriate LWF office.
7. Never use illegal labor, child labor and forced labor in any work area.
8. Always pay compulsory State taxes and comply with national business law and international standards.
9. Always strive for the highest health, safety and environmental standards in all program work.
10. Ensure, where possible, that goods purchased are produced and delivered under conditions that do not involve the abuse or exploitation of any persons and have the least negative impact on the environment.
11. Never use/ distribute known unsafe products or supplies in a development/ humanitarian setting.

**When this Code of Conduct is violated, LWF ensures that**

- i. Violations of these standards shall be immediately reported to senior management, any trusted colleague or the focal person for complaints, a specially designated group, the local human resources manager, or the Human Resources Development Manager of the LWF Communion Office, who are expected to take prompt investigative action.
- ii. Failure to disclose or knowingly withhold information about any reports, concerns or suspicions of breaches of this Code of Conduct constitutes grounds for disciplinary measures.
- iii. All confidential information, including reports of breaches of these standards by colleagues, obtained from affected populations and communities or colleagues shall be channeled correctly and handled with utmost confidentiality.
- iv. Any violation of the Code of Conduct will result in disciplinary action in accordance with the respective LWF terms, conditions and regulations.
- v. Any staff member purposely making false accusations on any action by another staff member, which is in breach of the Code of Conduct, shall be subject to disciplinary action at the discretion of the employer, and in accordance with national labor laws.

**LWF Code of Conduct – Signature by every staff member**

The signatory below has read, understood and is in agreement with the contents of this document, the LWF Code of Conduct, which shall be subject to periodic revision and review. The signatory also accepts the consequences of any violation of any of the above provisions under this Code of Conduct.

Name: .....

Position: .....

Place: .....                      Date:.....

Signature:.....

<b>KEY TERMS AND CONDITIONS</b>
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**LWF employees**

Includes all staff with any contract established in Geneva or by the LWF Field Offices, to conduct activities outlined in their job descriptions or terms of reference. This includes staff with agreements of employment, consultants, temporary or casual workers, trainees, volunteers, interns, and secondments. In addition any LWF worker that is directly or indirectly involved with refugee or internally displaced communities is included under this definition.

**Abuse of power**

Viewed positively, power is the ability to act, especially in ways that respect and empower rather than dominate and oppress others. Those in positions of authority or trust are expected to carry this out in responsible and just ways that do not take advantage of others, especially those who are more dependent or vulnerable. This includes other staff persons, beneficiaries, and others related to the organization. In most situations, because of unequal power related to gender and age, women and children are particularly vulnerable. Abuse of power is manifested in how those with less social power are treated physically, psychologically, emotionally, and/or sexually. Sexual activity, even when consensual, between those of unequal power in this sense is an abuse of power.

**Accountability<sup>4</sup>**

Taking responsibility towards affected populations and primary focus groups, staff, governance and external stakeholders, for actions undertaken, decisions made, and policies complied with.

**Bullying**

Bullying is the use of force or coercion to abuse or intimidate others. The behavior can be habitual and involve an imbalance of social or physical power. It can include verbal harassment or threat, physical assault or coercion and may be directed repeatedly towards particular victims, perhaps on grounds of race, religion, gender, sexuality, or ability

**Conflict of interest<sup>5</sup>**

When the personal or professional concerns of an LWF staff member affect his or her ability to put the welfare of LWF before personal or professional benefit, conflict of interest exists. Such conflicts of interest can pose potential or actual risk and/or harm to LWF.

**Corruption**

As a particular form of the abuse of power, corruption is the abuse of one's position for private gain, such as misusing the financial and other resources of the organization. The offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person is also to be considered as corruption.

**Discrimination**

Discrimination means exclusion of, treatment of, or action against an individual based on social status, race, ethnicity, color, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

**Gender and power**

Gender is the English word being used to describe cultural/societal differences between males and females in terms of roles and responsibilities, expectations, power, privileges, rights, and opportunities. "Gender" refers to the differences between males and females that are rooted in culture, tradition, society, and religion. Gender is something that is learned from infancy. An individual or society's gender perspective can change. Unequal power relationships provide the basis for sexual exploitation and abuse. Due to their unequal status, women and girls are particularly at risk of sexual exploitation and abuse.

<sup>4</sup> From the LWF/DWS Accountability Framework, Chapter 6, Section I (Program Management and Operations) of the LWF/DWS Operations Manual.

<sup>5</sup> Adapted from the HAP International definition, from the HAP International Conflict of Interest Policy, December 2003.

However, it is important to recognize that boys are also vulnerable to sexual exploitation and abuse.

### **Fraud**

An intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization's financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit.

### **Harassment**

Harassment means any unwelcome comment or behavior that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behavior that fails to respect the dignity of an individual. Harassment can be committed by or against any beneficiary, partner, employee or other individual visiting LWF.

### **Intimidation**

Intimidation (also called cowing) is intentional behavior that "would cause a person of ordinary sensibilities" fear of injury or harm. It's not necessary to prove that the behavior was so violent as to cause terror or that the victim was actually frightened.

### **Minor**

A person under age 18 (a child according to the definition in the Convention for the Rights of the Child, CRC).

### **Protection**

Ensuring that individual basic human rights, welfare and physical security are recognized, safeguarded and protected in accordance with international standards.

### **Responsibility and accountability**

A breach of the Code of Conduct calls for sanctions established with the administrative rules and procedures of LWF.

### **Sexual exploitation**

Sexual coercion and manipulation (includes all types of sexual acts) by a person in a position of power providing any type of assistance in exchange for sexual acts. In these situations, the potential victim believes she/he has no other choice than to comply; this is not consent and it is exploitation. Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against his/her will or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, etc. Sexual exploitation is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.

### **Sexual harassment**

Sexual harassment means any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.

### **Sexual abuse**

Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.

### **Zero tolerance**

The principle and practice of not tolerating any instance of sexual exploitation and abuse, harassment, abuse of power, fraud and corruption in all of our activities and responsibilities, at the organizational or program level in our humanitarian, development and advocacy work, and applying rules and penalties for breaches or violations.