

2021

Anti Corruption Policy



ICSF

International Collective in Support of Fishworkers

This Policy states ICSF's position with regard to Anti-corruption. ICSF's personnel and those associated with ICSF are required to fully comply with this policy and provisions of all applicable Anti-corruption laws.

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1. Preamble

Corruption is the willingness to act dishonestly in return for money or personal gain and is an aspect of human behaviour that has been around for a long time. For that reason, it may be easy to forget the damage that corruption does. By wrongly benefiting a few individuals who abuse their power or position, corruption creates unfair competition, damages innovation and undermines integrity.

Because of the damage corruption does to the public good, it is illegal around the world and each country has its own Anti-corruption Laws that must be followed (all such laws are collectively hereinafter referred to as “Anti-corruption Laws”).

This Policy states ICSF’s position regarding Anti-corruption. All personnel are required to fully comply with this Policy and the provisions of all applicable Anti-corruption Laws. Compliance with this Policy and these laws is a condition of continued employment or association with ICSF and violations will not be tolerated. Any alleged breach will be investigated, and action as deemed appropriate will be taken.

Failure by ICSF personnel to comply with this policy may expose ICSF to substantial risk and could jeopardize its operation and reputation. It is important to note that violations of certain Anti-corruption Laws may subject individual ICSF personnel to both criminal penalties, including prison sentences and civil liability. It is also important to note that Anti-corruption laws do not just apply to the person who pays the bribe or offers anything of value; they also apply to the people who have acted in furtherance of the same. For example, Anti-corruption laws could apply to anyone who:

- a) approves or authorises payment of any form (cash or kind or activity)
- b) creates or accepts false vouchers or invoices
- c) relays email instructions to pay or accept bribe or kickback
- d) covers up an illegal payment
- e) knowingly cooperates in the payment of bribe
- f) suspects an illegal payment or kickback but turns a blind eye (wilful blindness) to it

ICSF recognises that there are circumstances in which relationships with third parties will be required. Anti-corruption laws do not always differentiate between acts made by ICSF and someone acting on behalf of ICSF. As such, ICSF can face liability under Anti-corruption Laws based on improper payments made by third parties acting on behalf of ICSF regardless of whether ICSF had any knowledge of improper payments. For that reason, ICSF needs to be certain that ICSF deals only with third parties who are prepared to apply the same standards as that of ICSF.

In those circumstances where third party relationships are required, ICSF must choose such parties carefully.

2. Scope

ICSF activities and operations refers to all activities connected with rising of resources through Grants or otherwise and/or managing the resources in proper deployment for stated objectives. ICSF's activities broadly covers (a) fund raising by way of Grant from donor organisations (b) deployment of funds for stated objective (c) extending sub-grants for specific activity and monitoring end use of such activity (d) procurement of assets, utilities and services from various vendors, consultants, advisors, associates etc., (e) safeguarding the assets of ICSF and assets procured out of donor grants. Consequently, it covers the actions of ICSF staff and all individuals or entities implementing such activities or representing ICSF in any capacity.

The scope is limited to a statement of the policy and practices of ICSF on preventing and combating corrupt, fraudulent, collusive or coercive practices in its activities and operations. Such practices may include bribery used to influence the award of contracts, theft and misuse of assets, falsification of accounts to cover diversion of funds to personal accounts, abuse of official discretion or disclosure of privileged information to help friends and relatives.

The scope does not cover ethical conduct or procedural lapses of staff and consultants that do not fall within the scope of corrupt, fraudulent, collusive or coercive practices (e.g. harassment, mismanagement, disrespectful behaviour and breaches of legal and contractual obligations not involving fraud, corruption, coercion or collusion)

3. Application

Apply to ICSF personnel and every third parties associated with ICSF.

4. Definitions

The definitions are:

Coercive practice	impairing or harming, or threatening to impair or harm, directly or indirectly, any party or its property, or persons closely related to a party, to improperly influence the actions of that party.
Collusive practice	an arrangement between two or more entities without the knowledge of a third party, designed to improperly influence the actions of the third party.

Corrupt practice	the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to improperly influence the actions of another party.
Fraudulent practice	any action intended to deceive another party in order to improperly obtain a financial or other benefit or avoid an obligation;
Facilitation Payments	are small, unofficial payments (sometimes known as “grease payments”) are generally been made to low level government official typically in countries with pervasive corruption problems. These payments have generally been made to secure or expedite the performance of routine governmental actions which are limited to a narrow range of non-discretionary acts that are ordinarily and commonly performed by a government official. These payments are often involved in obtaining non-discretionary permits, licenses or other official documents, obtaining the issuance of entry or exit visas, providing police protection etc.,
Kickbacks	are illicit payment made to someone in return for facilitating a transaction or appointment. Such payments are typically made to/by commercial organisations in return for a favour/advantage.
Bribe	is anything that has a value and is given to influence a decision to give a business advantage to the offeror. Bribes not only include cash payments but also lavish gifts, expensive dinners, tickets to sporting events, gem and jewellery to name a few.
Anything of value	is a broad term and could include any item of pecuniary value including but not limited to gifts; medical, educational or living expenses; travel, meals, lodging, shopping or entertainment expenses;
Extortion	is the practice of obtaining something, especially money, through force or threats.
Debarment	means the declaration that a firm or individual is ineligible to bid, participate as a sub-contractor, or receive a contract either indefinitely or for a specified period.
Reprisal	means an act taken against an ICSF employee or other entity for their revealing non-compliance with ICSF regulations and rules by a firm, individual or other entity.

Government official	includes any official or employee of a government or government owned enterprise, any official or employee of government agency or regulatory authority, any political candidate or member of a political party, any public international organisation, any official or employee of a public international organisation (e.g. United Nations, World Bank etc.,) or any person acting in an official capacity for or on behalf of the foregoing. Government includes local, regional and national governments and the legislative, judicial, administrative and executive branches. Payments made to members of a government official's family in order to influence the government official are also prohibited.
Whistle-blower	means a person as defined in Whistle Blower Policy.
Whistle-blower protection	means measures taken to ensure that anyone who reveals fraud and corruption in ICSF operations is protected from reprisals.
Third parties	mean associates, consultants, attorneys, contractors, partner organisations, casual workers, volunteers, agents, recipients of sub-grant etc., associated with ICSF
ICSF Personnel	All employees (whether permanent, temporary or fixed term), trainees, interns, officers, secretaries, members of ICSF including members of General body/Board and third parties.

5. Policy

With respect to carrying on ICSF activities/operations:

- ICSF does not pay and does not condone paying bribes to anyone. ICSF personnel are prohibited from giving or offering bribes, kickbacks, facilitation payments or similar payment or consideration of any kind whether at home or abroad, to any person or entity (including but not limited to any customers, government official, political party or any intermediaries such as agents, consultants, attorneys) in order to influence official acts or decisions of that persons or entity and/or to secure any improper advantage.
- ICSF does not accept and does not condone the acceptance or receipt of bribes from anyone. ICSF personnel are prohibited from accepting or receiving bribes, kickbacks or similar payments or consideration of any kind, whether at home or abroad from any person or entity which is intended to, or which may be perceived as being intended to (a) influence one's official acts or decisions (b) secure any improper advantage for the offer or of the bribe and/or any entity that he/she represents.

- ICSF personnel are also prohibited from providing or receiving gifts, meals, entertainment or anything of value to/from any person or entity in connection with ICSF's activities unless it is provided or received in accordance with (a) this policy and (b) the code of conduct and ethics.
- ICSF shall apply a zero-tolerance where it has determined through an investigative process that "ICSF personnel" have engaged in fraudulent, corrupt, collusive or coercive practices. "Zero tolerance" means that ICSF will pursue all allegations falling under the scope of this policy and that appropriate sanctions will be applied where the allegations are substantiated. ICSF shall enforce a range of disciplinary measures and sanctions for all such cases, as deemed necessary and contractual provisions. Such measures will include referral to the competent national authorities where warranted. Where such cases concern individuals employed by another entity, ICSF shall take all possible steps to ensure that the other entity takes appropriate actions in a manner consistent with this policy.
- ICSF will continue to improve its internal controls, including controls inherent in or pertaining to its fund raising/deployment activities, so as to ensure that it is effective in preventing, detecting and investigating fraudulent, corrupt, collusive and coercive practices.
- ICSF shall take all possible actions to protect from reprisals individuals who help reveal corrupt practices in its activities and individuals or entities subject to unfair or malicious allegations.
- ICSF will not take any adverse action against anyone providing truthful information relating to a violation of law or ICSF policy and ICSF will not tolerate any retaliation against persons asking questions or making good faith reports of possible violations of this policy. Anyone who retaliates or attempts to retaliate will be disciplined. Any person who believes he or she has been retaliated against should immediately follow the instructions in Whistle-blower Policy.
- There may be a situation where-in the life or liberty of ICSF personnel might be at stake while carrying out the work of ICSF and ICSF may not have a choice except to make payment due to extortion. In such exceptional situation, ICSF will be guided by the Board who in turn will have to approach the situation in consultation with local law enforcement authorities.

6. Giving and Receiving benefits & Gifts and Hospitality

ICSF recognises that the giving and receiving of nominal benefits (such as small gifts, meals and entertainment) is a common practice and is intended to strengthen and build long term relationships between ICSF and various parties with whom ICSF has normal business relationship. The receipt and giving of gifts are part of normal social exchange. Such exchange is neither irregular

nor is it unusual. However, before a benefit can be considered proper and legitimate under this policy, certain criteria must be met. In general, the benefit in question must:

- a) be bonafide
- b) be moderate and reasonable
- c) not embarrass ICSF by its nature
- d) be legal under applicable Anti-corruption laws
- e) be fully documented
- f) be supported by original receipts
- g) be accurately recorded in ICSF's books and records

Approval is required from Executive Director for any payments under this head. Only payments that are deemed not to violate any Anti-corruption Laws and this policy will be approved. The following provide some specific examples as to ICSF's policy on the giving and receiving of benefits:

1. Gifts:

- a) The cardinal principle would be that gifts should not be given or received either to obtain favours/preferential treatment or in return for favours/preferential treatment. Gifts could be either solicited or unsolicited. ICSF, regardless of the circumstances, does not permit soliciting of gifts. It is hereby defined the circumstances under which unsolicited gifts received anywhere (whether domestic or abroad) can be accepted and retained. The circumstances under which gifts might be received fall into various categories:
 - i. Gifts received on New Year and other festive occasions
 - ii. Gifts received on the occasion of a terminal event such as a transfer or on cessation of employment
 - iii. Gifts of any value received for any other reason (not stated in [i] to [ii]), approval to be taken from Executive Director and in case of Executive Director from Board
- b) Declaration regarding receipt of gift: In all instances, the recipient of a gift of more than the approved value, will make a declaration stating the description of the gift that has been received, the estimated value of the gift and the circumstances under which the gift was received and particulars of donor. Such declaration should be submitted to the Executive Director within 15 days of the receipt.
- c) Kind of Gift: A list of the kinds of gifts that might be received is provided below:
 - i. Articles of only an edible nature for festive occasions [1(a)(i) above]

- ii. Articles of use in an office such as table clocks, stationery, desk accessories on New Year only with ICSF's logo [1(a)(i) above]
 - iii. In the case of retirement or cessation of employment, cash gift of Euro 100 and more can be retained by employees.
 - iv. in the case of transfer of an employee, collective gift in kind can be received. The value limit is not applicable in such cases.
- d) Gifts received in recognition of a professional contribution made by the recipient, such as for making a presentation, conducting a training program/workshop for a professional and academic institution etc.,
 - i. When a professional contribution is made as part of the job in the organisation, no gift vouchers/cheques shall be accepted. If due unavoidable circumstances where the gift in the form of gift vouchers/gift cheque is accepted, it is incumbent upon the recipient to handover the same to the organisation (ICSF). No cash is to be received.
 - ii. Where ICSF has borne expenses, such as travel or lodging, related to the event and such expenses are reimbursed by the organizers, all such reimbursements will be surrendered to ICSF.
- e) Receipt of gift from parties having business relationship with ICSF
 - i. Any gifts received from a donor where the donor has a business relationship with ICSF and could derive benefits from the recipient should be handed over to the organisation. Illustrative categories of parties with business relationships with ICSF would be associates, vendors, consultant, sub-grant recipient etc.
 - ii. No gifts should be accepted from any person or party who is in default/debarred from having any business connections with ICSF.
 - iii. It is recognized that at times gift exceeding the value caps contained in this policy are to be received as the return of these gifts may cause embarrassment. In this situation the recipient should surrender the gift at the earliest. ICSF will decide the procedure for utilization of such gifts.
 - iv. ICSF considers it a good practice to share gifts of a nature, which an employee is permitted to receive, such as gifts of an edible nature, with fellow employees. The nature of the gift permitting, it would also be a good practice to use gifts in the office.

2. Moderate Meal:

Meals are only considered acceptable if they are reasonable, moderate, and for a legitimate business purpose and do not carry business obligations or present potential for embarrassment to ICSF.

3. Hosting Travel:

On occasion, ICSF may be required to host the employees of Donor organisation or potential Donor organisation (who may or may not be a government official). Hosting refers to a situation where ICSF pays for all or part of the travel expenses of a third party. It does not include a situation where the third party pays for their own travel expenses to visit ICSF or program implementation centres, unless such payment is to be reimbursed by ICSF, whether in whole or part. Hosting poses a potential risk of violation certain Anti-corruption laws, as it may be perceived as sight-seeing trips offered to such third parties. It is therefore, ICSF prohibits these types of transactions.

7. Record Keeping

ICSF personnel must follow all applicable laws, regulations and standard practices for accounting and financial reporting. It is the policy of ICSF to maintain accurate, reasonably detailed records that fairly reflect all the resource incomings and outgoings. Therefore, ICSF personnel are prohibited from making any false or misleading statements in books and records for any reasons nor shall they engage in any arrangement or provide any information that result in such prohibited acts. No undisclosed or unrecorded accounts of ICSF are to be established for any purpose and false or artificial entries are not to be made in the books and records of ICSF for any reason whatsoever. Personal funds must not be used to accomplish what is otherwise prohibited by this policy or any other policies of ICSF.

8. Reporting and Assistance

ICSF personnel, who are or become aware of or suspect a violation of this policy and/or the Anti-corruption Laws are under an obligation to report the same to ICSF. Turning a “blind eye” to a suspected violation can result in criminal penalties and civil liability both ICSF and for the individuals. Violations or suspected violations should be reported as per reporting requirements contained in Whistle Blower Policy.

Any questions about this Policy or any Anti-corruption Laws or to seek advice prior to undertaking a particular act or action, you may contact the Executive Director. Routine enquiries can be answered quickly while more difficult or technical questions may need to be referred for expert advice.

9. Who is responsible for this Policy

The Executive Director has overall responsibility for ensuring that this policy complies with legal and ethical obligations and all ICSF personnel comply with it. Every person to whom this policy applies is responsible for the success of this policy and should ensure he/she should use it to disclose any suspected activity or wrong doing.

10. Amendments

Amendments may be necessary, among other reasons, to maintain compliance with various regulations and/or organisational changes within ICSF.

Amendments to the policy due to changes in Law, maybe done at the earliest by the Board with ratification in the immediate following General Meeting of Members and any other amendments shall take effect upon confirming by the Members in the General Meeting of Members.