



The Independent Commission Against Corruption

Model Code of Conduct for Employees of Parastatal Bodies



Decentralised Cooperation Programme
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MODEL CODE OF CONDUCT FOR EMPLOYEES OF PARASTATAL BODIES

Foreword

Employees of Parastatal Bodies should maintain the highest standard of integrity in their dealings with members of the public, the business community and other government officials. They are expected to be honest, impartial and professional.

Key elements of a sound integrity program are the development, acceptance, implementation and regular review of a comprehensive code of conduct. The code sets out in very practical and clear terms the standards of behaviour expected of employees in their respective working environment.

Adoption of a code of conduct is a necessary step in building a sense of business integrity. It also ensures that business is conducted with integrity, dedication and professionalism. It is an effective way to remind officers of their public duties and legal responsibilities.

Organisations having adopted codes and enhanced their ethical corporate cultures have experienced substantial positive benefits that flow from building a reputation as an ethical organisation. It must be developed in full consultation with employees of the organisation to ensure successful implementation. For the code to be effective, it is important that it is integrated into the organisation's culture. Its principles should not only be embraced by management and staff but also be reflected in systems and processes.

The purpose of this guide is to provide Parastatal Bodies with the basic principles that need to be observed in the development of their own code of conduct. It provides a model which needs to be complemented with specific standards of behaviour relevant to their respective organisation.

We hope this model code will be helpful to management in their endeavour to uphold high standards of ethical behaviour at their respective workplace.

A.K.Ujoodha
Director General, ICAC
December 2009

Statement of Values

Officers are expected to observe the highest standards of ethical conduct in their workplace. They should:

- serve the public with fairness and impartiality;
- manage their organisation's resources properly and in a transparent manner;
- uphold trust and confidence of the public and those whom they serve; and
- strive to bring about a sound cultural climate where integrity prevails.

To this end, the following core values and principles will guide the officers in their actions and daily operations:

Integrity

Officers should demonstrate a total commitment to the highest personal and professional standards.

Objectivity

Officers should ensure that the merit principles prevail and are seen to prevail in their day to day decisions.

Accountability

Officers are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny appropriate to their organisation.

Openness

Officers should be as open as possible on all decisions and actions that they take. They should provide justifications for their decisions whenever requested.

Honesty

Officers should act in good faith in all their decisions and actions.

Justice

Officers should adhere to the principles of natural justice.

Selflessness

Officers should avoid seeking personal benefits for themselves, their families or friends through their official positions.

Adherence to Policies of the Board and the Government

Officers should comply with all policies and procedures set by the Board and the government.

Respect for the Law

Officers are required to comply with the laws, rules and regulations that govern the conduct of the business and should report any suspected violation. As such, they are expected to:

- uphold the law of the Republic of Mauritius;
- strive to be familiar with and abide by all statutory and other instructions applicable to their conduct and duties;
- put public interest first in the execution of their duties; and
- co-operate with public institutions.

Discharge of Duties in a responsible manner

Officers should demonstrate a high degree of professionalism, dedication and commitment in the performance of their duties. In particular they should:

- exercise care and diligence in their day-to-day work;

accept personal responsibility for compliance with the code of conduct;
strive for the highest ethical standards;
avoid waste, or extravagant use of organisational resources;
ensure that confidentiality is maintained;
not compromise the reputation and integrity of their institution;
comply with the law and uphold the administration of justice; and
provide the Board and Management with reliable and accurate information.

Responsibility towards the public

Officers should be courteous, helpful, professional and fair in their dealings with the public.

They should strive to maintain and strengthen public trust and confidence by demonstrating the highest standards of professional competence, efficiency and effectiveness.

Relationship among Employees

Officers should treat their colleagues with respect and dignity. They should be cooperative in their dealings with one another and should work as a team to achieve the goals of the organisation.

Respect for the rights of others

Officers should not discriminate against any person because of their sex, colour, disability, religious or ethical beliefs.

Conflict of Interests

A conflict of interests is a situation where the private or personal interests of an officer compete or conflict with his official duties.

Officers have a duty to disclose promptly, fully and in

writing, any situation of conflict of interests and the nature of such interests. A model conflict of interest declaration form is given at *Appendix I*.

Where an officer or his relative or his associate has a personal interest in a decision of the public body, the officer shall not take part in the proceedings or vote or intervene in any manner whatsoever of that public body relating to such decision.

Transparency & Accountability

Officers should be opened to public scrutiny. They should therefore take decisions and act in a transparent and accountable manner.

Positive Work Environment

Officers should foster a positive work environment and should uphold the principles of integrity, fairness, non-discrimination, discipline and good conduct.

Disclosure of Information

Officers have a prime responsibility to ensure that confidential information is kept secret.

Information should only be disclosed if required to do so by law or upon obtaining proper authority and approval. In these cases, the information disclosed should be factual and should not be altered in any way that would cause prejudice to the institution.

As far as possible, officers reporting information under the law should not make any comment or give personal opinion on the information disclosed.

Officers should continue to observe their duties of confidentiality even after they leave the service.

Political Impartiality

Officers should observe political neutrality in their day-to-day functions and avoid activities likely to impair, or seem to impair their political impartiality.

Decision-Making

Officers should take decisions, in a timely manner and without regard to partisan, special interests and fear of criticism. Decisions should be taken after thorough consideration and examination of relevant information.

Gifts and Other Benefits

Officers should not solicit for themselves or for other persons, gifts or other benefits, other than their lawful remuneration.

In case, a token of appreciation is offered to an officer, he should immediately report it to the institution in writing and request for the way the gift should be disposed.

Outside Employment

Officers should not be involved in any private work either for remuneration or otherwise unless prior approval has been obtained from their organisation.

They should not accept employment or engage in activities which may conflict or interfere with the performance of their official duties.

Post Separation Employment

Officers should not use their position to obtain opportunities for future employment. Former employees should not use, or take advantage of, confidential information obtained in the course of their official duties.

All staff should be careful in their dealings with former employees of the organisation and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

Use of the Organisation's Resources

Officers should be scrupulous in the use of the organisations' property and services and should not permit their misuse by any other person or body. They

	<p>should manage the organisations' assets and resources effectively and efficiently. They should strive to obtain value for money and to avoid waste or extravagance in the use of these resources.</p>
<p>Non-compliance with the Code</p>	<p>Depending upon the nature and seriousness of breaches, disciplinary actions may be taken against officers who do not comply with the provisions of this code.</p>
<p>Non-Discrimination and Victimisation</p>	<p>Officers should not discriminate directly or indirectly or by victimisation against another officer.</p>
<p>Use of Alcohol and Drugs</p>	<p>Officers should not smoke or make use of or be under the influence of alcohol while on duty. They shall ensure that the consumption of drugs or other substances do not adversely affect their ability to conduct their duties, which may result in unsatisfactory work performance or adversely affect the safety of others</p>
<p>Report on Compliance</p>	<p>Employees should submit on an annual basis to the Board, a compliance report to the code. A model compliance report form is at <i>Appendix II</i>.</p>
<p>Reporting Malpractices</p>	<p>Officers should report any malpractice or unethical behaviour that would affect employees, members of the public or the integrity of the organisation.</p> <p>Where an officer suspects that an act of corruption has been committed within or in relation to the organisation, he should forthwith make a written report to the ICAC.</p>

GUIDELINES ON CODE DEVELOPMENT AND REVIEW

What is a Code of Conduct?

A code of conduct is a comprehensive statement of the guiding principles an institution expects its staff to follow. It sets out the ethical tone in the organisation and deals with:

The values by which it professes to do its business.

The values for which the institution stands.

The basic standards set in the legislations.

Responsibilities for upholding organisational and personal integrity.

Standards of dealing the public can expect from the employees.

A Code as a Management Tool.

A code of conduct can be used as a management tool for establishing and articulating the corporate values, responsibilities, obligations, and ethical ambitions of an organisation. It provides guidance to employees on how to handle dilemmas when faced with pressure to consider right and wrong.

A code of conduct provides management with an effective tool to benchmark the conduct of an officer during appraisals.

Purpose of the Code

A code of conduct should be tailored to the needs and values of the organisation and should answer to the following:

How will the code be implemented?

Will it be publicised, both inside and outside the organisation?

What steps, if any, will be taken to ensure that the values embodied in the code get implemented in organisational policies and practices?

How / when will the code be reviewed / revised?

Benefits of Adopting a Code.

The adoption of a code of conduct benefits an institution in the following ways:

- Sets out the core values of the organisation;
- Defines acceptable and unacceptable behaviour expected of staff in an organisation;
- Helps to solve ethical dilemmas faced at work;
- Strengthen the moral courage of officers;
- Provides officers with a guide to maintain high level of public confidence and trust in the organisation;
- Acts as a deterrent to corrupt activities; and
- It is an important management tool which can positively shape the culture of an organization.

GUIDING PRINCIPLES FOR THE DEVELOPMENT OF A CODE OF CONDUCT

Management Commitment

For a code to succeed, it should be endorsed by the board and management should be committed to its implementation. The board must be enthusiastic not only about having such a policy but also about receiving regular reports from management on its implementation and effectiveness in order to revitalize the code.

Employee Involvement

The people who will be guided by the code should be actively involved in its development. The document is bound to be more meaningful, and find higher levels of acceptance, if employees are part of the process.

Environmental scan

Prior to the drafting of the code, it is important that an environmental scan of the organisation be conducted to:

- Identify policies and procedures already in place in the agency to guide employee behaviour;
- Review appropriateness of policies and procedures; and

Align the code of conduct with the policies and procedures of the institution.

Statement of Values and Principles

The core values spelt out by an organisation are meant to guide employees in the day-to-day execution of their duties. The organisation requires that employees uphold these values by demonstrating high ethical standards and acting professionally when carrying out their duties and responsibilities.

STAGES IN THE DEVELOPMENT OF THE CODE

Planning for the Code of Conduct

Planning is a crucial step in the development of a code. A well-defined plan should include the following:

- Who should work on the code?
- Who should be responsible for the development of the code?
- The documents that need to be consulted.
- The time-frame for its development.

Developing the Code of Conduct

While developing a code, an organisation has to decide on:

- What topics to be included in the Code?
- How to go about developing the code?
- To what extent will staff be involved in developing, implementing and abiding by the code? and
- How often will the code be reviewed?

Implementing the Code of Conduct

Having a code of conduct is not enough. A code can only be effective if employees are aware of its content and behave accordingly. Its content should thus be properly disseminated, implemented and monitored. Adherence to the code should be emphasized during training and other empowerment sessions. Each

employee should be provided with a copy of the code for which he should acknowledge receipt.

A comprehensive communications and education plan should be designed and developed to increase code and program effectiveness. Communications can be in the form of ethics training, workshops and publications such as newsletter articles, posters, e-mails, and so on.

Post Implementation

Revised and Updated Regularly

Codes of ethics should not be viewed as static documents. Periodic revision of the code can send a symbolic message to members and stakeholders that ethics is an area that requires ongoing attention. Information contained in the code should be revisited in light of changes that may occur in the environment. New issues may arise that were overlooked in previous versions.

Personal Response

All staff should have the opportunity to respond to the content of the code. An employee should know how to react if he or she is faced with an ethical dilemma.

ISSUES TO BE CONSIDERED WHILE DEVELOPING THE CODE

Salient Issues

It is recommended that your organisation develops its own code of conduct from scratch to fit its specific situation;

The code should be written, reviewed and edited by a multidisciplinary team in order to ensure that:

- It is consistent with other corporate communications and policies.
- It addresses all relevant areas.
- It is in line with the values and culture of the organisation.

The code language should be simple, concise and

Salient Issues 'contd'

readily understood by all employees;
The code language should not be legalistic but rather state expected behaviours;
The code should apply to all employees and be global in scope;
The code should be revised and updated as appropriate, to reflect business and regulatory changes;
The code should contain a brief introduction explaining the purpose of the code; and
The code of conduct should contain examples of appropriate behaviours and consequences of a breach.

ASSESSING THE CODE OF CONDUCT

Checklist

Once the code of conduct has been developed, pertinent questions should be asked on its implementation. This checklist acts as an overall check on the code and therefore acts as a test to assess the code.

Is there strong management commitment towards the development and implementation of the code?
Have employees been requested to participate actively in the development of the code?
Has the code been tested before full implementation?
Does the code start with a consistent and clear statement of values?
Does it explain why upholding the code is important?
Do management value and actively promote the content of the code?
Is the code of conduct written in simple language?
Does it have an inclusive and positive tone?
Does it provide for the right behavioural standards?

**Checklist
'contd'**

Does it provide general principles to assist with ethical decision-making?

Does it refer to other key policies and procedures (for example, policies on internal reporting, accepting gifts and benefits and conflicts of interest)?

Do all staff members have a copy of the code or easy access to the code?

Do you ensure that your organisation's stakeholders know about it?

Does your organisation run training sessions on the code of conduct?

Is there someone to whom staff can turn to assist in interpreting the code?

Does it include sanctions for unethical behaviour?

Is the code regularly reviewed and updated?

Did staff participate in its review?

Are new provisions included in your code as the need arises?

**For additional
information -
Who to
contact?**

The Director General
Independent Commission Against Corruption (ICAC)
68, Harbour Area, Port Louis
Tel: 206 6600 Fax: 217 1643
Email: icacoffice@intnet.mu

NAME OF THE ORGANISATION

MODEL CONFLICT OF INTERESTS DECLARATION FORM

CONFLICT OF INTERESTS DECLARATION	
1. PERSONAL DETAILS	
Name:	
Position:	
Organisation/Section:	
2. THE SITUATION	
Matter under consideration:	
Expected roles/duties to be performed by the employee in dealing with this matter:	
3. PRIVATE INTERESTS	
(i).	Are you or your relative*/associate** involved in a decision which the public body is to take or in the company, partnership, or other undertaking which the public proposes to deal? Yes <input type="checkbox"/> No <input type="checkbox"/>
If "YES," please full information below.	
(ii).	Do you or your relative*/associate** have an interest in a decision which the public body is to take or in the company, partnership, or other undertaking which the public proposes to deal? Yes <input type="checkbox"/> No <input type="checkbox"/>
If "YES," please full information below.	
(iii).	Do you or your relative*/associate** hold more than 10 per cent of total issued share capital or of the total equity participation in the company, partnership or other undertaking which your public body proposes to deal with? Yes <input type="checkbox"/> No <input type="checkbox"/>

*, **: Please refer to Extract of PoCA ;

If "YES," please provide full information below.

4. OTHER TRANSACTIONS

Please briefly describe any other interest, relationship or transaction that has in the past year created, or reasonably could in the next year create, a real, apparent or potential conflict of interests as described by the Prevention of Corruption Act 2002.

Are you voting or taking part in any proceedings of that public body relating to such decision?

Yes

No

5. CERTIFICATION

The above is an accurate and current statement of all my reportable interests to the best of my knowledge. I make this declaration in good faith and further state that I am aware of the consequences of any false or incorrect information given by me.

Date: _____

Signature: _____

Please return this form to the next higher administrator in your supervisory line who is at least at the level of director.

CEO'S STATEMENT

DECISION

Date: _____

Signature: _____

Extract of the Prevention of Corruption Act (PoCA) 2002

According to Section 13 of the PoCA 2002, conflict of interests may be defined as:

- (1) where
 - (a) a public body in which a public official is a member, director or employee proposes to deal with a company, partnership or other undertaking in which that public official or a relative or associate of him has a direct or indirect interest; and
 - (b) that public official and/or his relative or associate of him hold more than 10 per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking, that public official shall forthwith disclose, in writing, to that public body the nature of such interest.
- (2) where a public official or a relation or associate of his has a personal interest in a decision which a public body is to take, that public official shall not vote or take part in any proceedings of that public body relating to such decision.
- (3) any public official who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

* **"relative"** in relation to a person, means-

- a spouse or conjugal partner of that person
- a brother or sister of that person
- a brother or sister of the spouse of that person; or
- any lineal ascendant or descendant of that person

** **"associate"**, in relation to a person, means -

- (a) a person who is a nominee or an employee of that person;
- (b) a person who manages the affairs of that person;
- (c) a firm of which that person, or his nominee, is a partner or a person in charge or in control of its business or affairs;

- (d) a company in which that person, or his nominee, is a director or is in charge or in control of its business or affairs, or in which that person, alone or together with his nominee, holds a controlling interest, or shares amounting to more than 30 per cent of the total issued share capital; or
- (e) the trustee of a trust, where -
 - (i) the trust has been created by that person; or
 - (ii) the total value of the assets contributed by that person to the trust at any time, whether before or after the creation of the trust, amounts, at any time, to not less than 20 per cent of the total value of the assets of the trust;

*** Lineal ascendant or descendant of that person - example father, mother or son, daughter of that person

******"gratification"** -

- (a) means a gift, reward, discount, premium or other advantage, other than lawful remuneration; and
- (b) includes -
 - (i) a loan, fee or commission consisting of money or of any valuable security or of other property or interest in property of any description;
 - (ii) the offer of an office, employment or other contract;
 - (iii) the payment, release or discharge of a loan, obligation or other liability; and
 - (iv) the payment of inadequate consideration for goods or services;
- (c) the offer or promise, whether conditional or unconditional, of a gratification;

"public body" means a ministry or Government Department, a Commission set up under the Constitution or under the authority of any other law, a local authority, or a statutory corporation; and includes a Government Company.

"public official" means a Minister, a member of the National Assembly, a public officer, a local government officer, an employee or member of a local authority, a member of a Commission set up under the Constitution, an employee or member of a statutory corporation, or an employee or director of any Government company; and includes a Judge, an arbitrator, an assessor or a member of a jury.

NAME OF THE ORGANISATION

CODE OF CONDUCT

MODEL ANNUAL COMPLIANCE REPORT

Ido hereby solemnly affirm that to the best of my knowledge and belief, I have fully complied with the provisions of the CODE OF CONDUCT of the during the financial year ending

Signature :

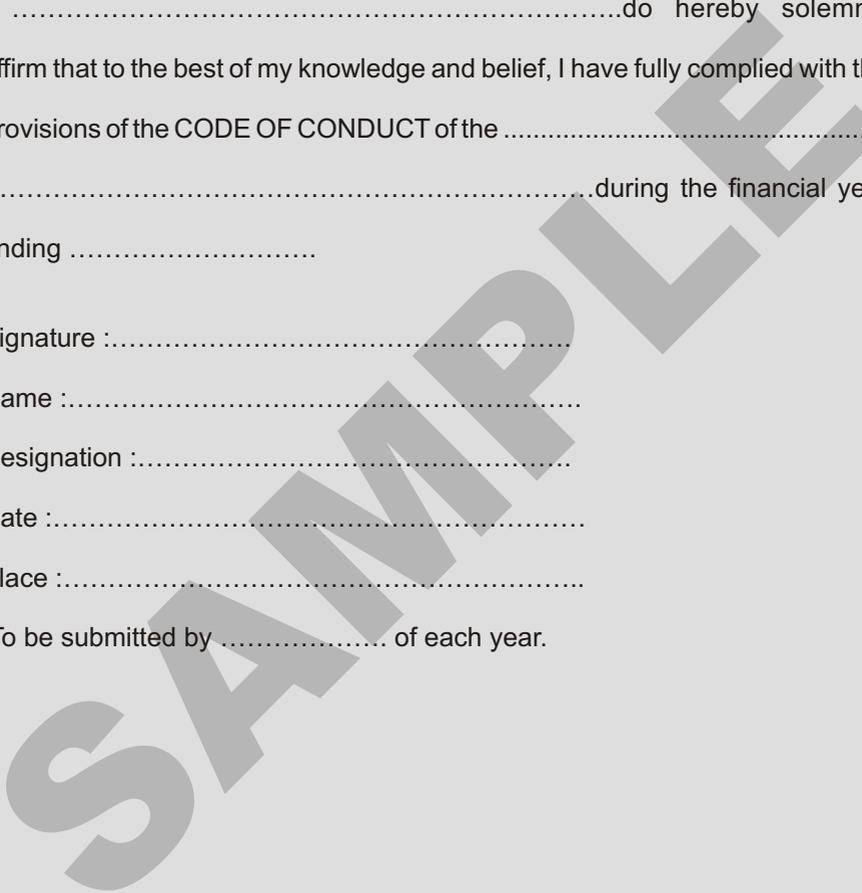
Name :

Designation :

Date :

Place :

To be submitted by of each year.



NAME OF THE ORGANISATION

CODE OF CONDUCT

MODEL ACKNOWLEDGEMENT FORM

I....., have received and read the Organisation's "CODE OF CONDUCT ("this Code"). I have taken cognizance of the provisions contained in it and I agree to fully comply with the code.

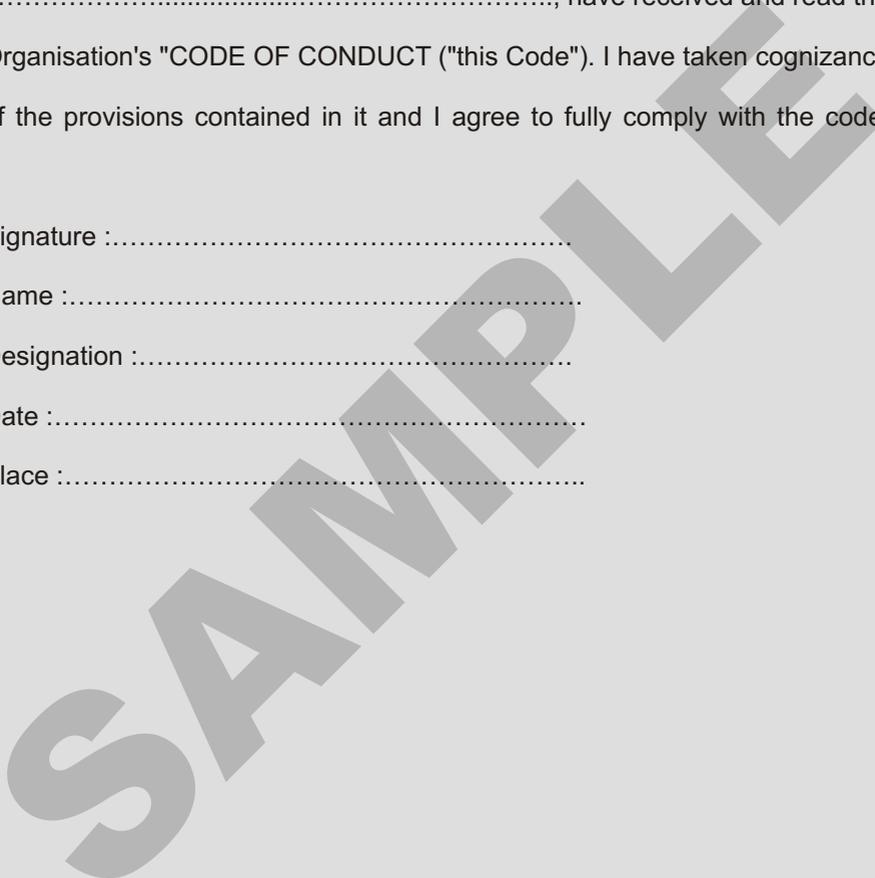
Signature :.....

Name :.....

Designation :.....

Date :.....

Place :.....





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