

Appendix VI: Code of Conduct Partner version

approved by the Steering Board on 5 September 2019

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Contents

| | |
|---|----------|
| 1. General: introduction, principles and scope | 2 |
| 2. Rules of conduct | 3 |
| 2.1 The actions of the partner organisation and its employees are based on values and principles. | 3 |
| 2.2 In public life, the partner organisation and its employees respect the interests of Caritas and observe the rules of propriety. | 3 |
| 2.3 The partner organisation and its employees act with integrity and refrain from abuse of power. | 3 |
| 2.4 The partner organisation and its employees treat all persons with respect. | 3 |
| 2.5 The partner organisation and its employees respect the rights and protection of children and persons in need of protection. | 4 |
| 2.6 The partner organisation and its employees take care of Caritas financial assets and avoid corruption. | 5 |
| 2.7 The partner organisation and its employees respect confidentiality, personal rights and data protection. | 5 |
| 2.8 The partner organisation and its employees take care of the employees' safety and security and that of others. | 5 |
| 2.9 The partner organisation and its employees immediately report violations of the code of conduct. | 6 |
| 3. Final provision | 6 |
| 1. Glossary | 7 |
| 1. Corruption | 7 |
| 2. Psychological, physical and sexual violence | 7 |
| 3. Data protection | 8 |
| 4. Zero tolerance | 8 |

1. General: introduction, principles and scope

Caritas Switzerland is a leading Swiss relief organisation in the fight against poverty. It conducts its activities with the greatest respect for its stakeholders with the aim of honouring the trust placed in it by donors and beneficiaries and achieving the goals it shares with them.

Caritas Switzerland undertakes to foster and respect the rights of beneficiaries in accordance with the UN conventions¹ and treaties and the principles of international law.

Furthermore, Caritas Switzerland undertakes to comply with the legal provisions of the donor countries and the countries in which it operates. Caritas Switzerland takes particular care not to work with individuals or organisations involved in drug trafficking, human exploitation or people trafficking, fraud or tax evasion, or suspected of being associated with any other form of criminality or terrorism.

Caritas Switzerland fosters a culture of trust and respect. It requires all employees and contractual partners to conduct themselves correctly – everywhere and at all times. The code of conduct must be observed without exception and applies to all persons working for and with Caritas Switzerland regardless of the contractual relationship: employees, interns, volunteers, board members and contractors. They are required to uphold the principles of the code of conduct even outside the workplace and outside working hours.

Partner organisations must undertake to comply with the rules of this code of conduct and to communicate them to their employees.

Caritas Switzerland informs its employees and contractual partners about their obligations in respect of legal requirements and standards. It or its partner organisations inform the beneficiaries about the conduct they can expect of the employees, about their rights and about the complaint channels.

Caritas Switzerland takes all practicable and reasonable steps to prevent misconduct, notably through this code of conduct, through the careful selection and induction of employees, and through prevention. Reports of misconduct are investigated with all due diligence. Misconduct and abuse are met with appropriate sanctions and, if necessary, reported to the relevant prosecuting authorities.²

Caritas Switzerland pursues a zero tolerance strategy in the following areas:

- Physical, sexual, psychological child abuse and neglect,
- Sexual abuse and sexual harassment,
- Discrimination and bullying,
- Corruption and fraud.

Caritas Switzerland is also committed to comprehensive data and privacy protection.

The following Swiss legal sources apply:

- Code of Obligations (OR)
- Federal Employment Act (ArG) and its ordinances
- Data Protection Act (DSG) and its ordinances
- Criminal Code (StGB)
- Gender Equality Act (GlG)
- Victim Assistance Act (OHG)

¹ UN Convention on Human Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, and Convention on Racial Discrimination.

² Please see the attached document: Code of conduct complaint management concept

2. Rules of conduct

2.1 The actions of the partner organisation and its employees³ are based on values and principles.

Employees are at all times committed to the effective implementation of the activities of Caritas Switzerland, based on its mission statement⁴ and on the employees' professional competence. In so doing, employees conduct themselves with integrity, responsibility and transparency. Employees regularly reflect on how closely their actions and conduct align with the values of Caritas.

Employees incorporate the code of conduct in their work. They are committed to a culture of respect. Employees speak to colleagues, partners, volunteers and suppliers about the code of conduct. Employees address non-compliant conduct directly or as part of a team. Employees report possible violations of the code of conduct immediately.

2.2 In public life, the partner organisation and its employees respect the interests of Caritas and observe the rules of propriety.

Employees undertake to observe the laws of the country in which they work.

Employees are aware that the public and social networks can perceive them as a representative of Caritas Switzerland. That is why they balance the right of expressing their personal opinion against the interests of Caritas Switzerland.

Employees will not engage in making accusations or spreading rumours, nor will employees engage in any activity or make any statement that could be construed as derogatory, discriminatory, degrading or threatening. Employees reject violence and refrain from any call to violence or hatred.

Outright ban:

No consumption of alcohol or other intoxicating substances during work and especially when driving a vehicle.

2.3 The partner organisation and its employees act with integrity and refrain from abuse of power.

Employees are aware of the relationships of power and dependence that can arise from the vulnerability of beneficiaries and their dependence on payments and services.

Employees refrain from any abuse of their position and undertake not to gain direct or indirect advantage from their work.

Employees ensure that their personal activities do not conflict with the interests of Caritas Switzerland. Employees agree to inform the Country Organisation of Caritas Switzerland immediately in the event of a conflict of interest or the appearance of a conflict of interest.

Outright ban:

No abuse of power of any kind to apply pressure or obtain personal gain or favours of a financial, professional, political or sexual nature.

2.4 The partner organisation and its employees treat all persons with respect.

Employees treat beneficiaries, partners and employees with respect and fairness and foster a working atmosphere that is free from any harassment (especially sexual and sexist), bullying and discrimination. Employees treat all persons equally regardless of their origin, ethnicity, gender, skin colour, age, disability, religion or world view.

³ 'Employees' refers to the partner organisation's staff, volunteers, board members etc., in other words to anybody who is legitimately acting on behalf of the partner

⁴ https://www.caritas.ch/fileadmin/user_upload/Caritas_Schweiz/data/site/wer-wir-sind/organisation/caritas-schweiz/Mission_Statement_Caritas_Switzerland_2015.pdf

Outright bans:

No sexual violence and exploitation of any kind and no sexual and/or sexist harassment.

No bullying and discrimination of any kind.

In the course of work, no acceptance or demanding of sexual favours in exchange for money, employment, goods, services or any form of assistance.

2.5 The partner organisation and its employees respect the rights and protection of children and persons in need of protection.

Special care and consideration apply when dealing with children⁵ and persons in need of protection⁶ owing to their particular vulnerability.

Employees undertake to respect and foster children's rights, in particular their right to optimal development, to privacy, to immediate assistance in emergencies and to protection from cruelty and exploitation.

When going about their work, employees must be aware of the dangers of child abuse and recognise situations where particular risks exist.

Outright bans:

No touching children in an inappropriate manner.

No sexual contact with children.

No sexually suggestive words or gestures.

No exploitation or blackmailing children.

No corporal punishment.

No demeaning, shaming, humiliating or otherwise emotionally abusing children.

No employing or using children as workers.

No deliberately or negligently bringing children into contact with immoral material.

No bringing children into contact with alcohol, drugs or other psychotropic substances.

No impeding children from communicating with persons they wish to confide in.

Other rules:

Employees ensure that the dignity of children is respected when they are the subject of films or photographs. Filming or photography must be arranged in advance with the caregiver. Films or photographs in which children are recognisable are only made publicly accessible (e.g. on the internet) with the express prior consent of the caregiver and with all names withheld. In particular, care must be taken to ensure that no images can be misused in the pursuit of sexual or otherwise illegitimate gratification.

In connection with a mandate from Caritas, a clear framework must be defined with the person responsible before employees are allowed to accommodate children for whom they have no parental responsibility, receive them privately or be with them alone in a room.

⁵ Based on the UN Convention on the Rights of the Child, the Swiss Civil Code and other legal texts as well as the *Child Protection Policy Framework* published by Caritas Internationalis. Quality for children. Children are defined as persons under the age of 18, regardless of the definition in force in the respective country.

⁶ "Persons in need of protection are persons who, through infirmity or illness, are vulnerable and are in the care of an employee on the basis of a contractual relationship."

2.6 The partner organisation and its employees take care of Caritas financial assets and avoid corruption.

Employees take immense care in their use of the financial and material assets made available to them in the course of their work for Caritas Switzerland. Employees use them for the defined purpose and in accordance with the criteria of legality, transparency, effectiveness and economy.

Outright bans:

No engaging in corruption of any kind: coercion, active and passive bribery, granting/accepting an advantage (with the exception of occasional low-value gifts).

No misuse of financial or material assets, in particular embezzlement, theft, fraud or abuse of managerial authority.

2.7 The partner organisation and its employees respect confidentiality, personal rights and data protection.

Employees keep the information provided to them during their work confidential and use it exclusively for the agreed purpose – even after their employment relationship has come to an end.

Employees respect data protection⁷ when gathering and processing personal information:

Employees undertake to take the greatest care to ensure that data is recorded correctly and processed in a proportionate and appropriate manner (as much as necessary, as little as possible, and only for the purpose stated at the time of gathering).

Employees do not share any information with third parties without the consent of the person concerned. Disclosure is reserved where there is overriding private or public interest or legal justification (cf. Art. 13 GDPR).

Outright ban:

No collecting, storing or sharing personal information with third parties without consent or justification.

Employees respect personal rights, especially when communicating in public:

- Employees present people with dignity and as self-reliant, active individuals who determine their own lives.
- Employees safeguard the security and privacy of the individuals depicted.
- Before photographing or interviewing them, employees inform the individuals depicted of the purpose and ask for their permission.

2.8 The partner organisation and its employees take care of the employees' safety and security and that of others.

Employees do nothing that unnecessarily puts them and others in danger. Employees observe their organisational safety and security regulations and the relevant safety and security plans in the project countries.

As an employee, I always have my organisation's identity card on me when working and, in an emergency, contact the person designated in the local safety and security plan.

Outright bans:

- **No carrying or using weapons.**
- **No weapons to be kept in the vehicles or on the premises of Caritas Switzerland.**
- **No collaboration with military, police or other armed protagonists in conflict situations.**

⁷ The Federal Act on Data Protection and the ordinance to it, plus the EU's General Data Protection Regulation (GDPR).

2.9 The partner organisation and its employees immediately report violations of the code of conduct.

Employees immediately report any suspected or actual violations of the code of conduct to their line manager or to the person in charge, the Human Resources Section or per website www.caritas.ch/complaint. The partner organisation will notify Caritas Switzerland of any complaint received that concerns the Code of Conduct.

Silence must be maintained vis-à-vis third parties, including the alleged violator. Existing evidence must be secured, except in the case of child pornography: here, the investigating authority which decides on the handling of illegal data must be informed immediately. There must be no unauthorised investigation. If an operational complaint in the employee's sphere of responsibility is addressed to them, they inform their line manager and deal with it without delay.

The code of conduct is a binding regulation.

Employees confirm that they have read and understood the code of conduct and that their line manager has answered any questions they may have.

Violations of the code of conduct are met with disciplinary proceedings, which can include dismissal of employees, ending the partnership and being referred to the prosecuting authorities.

Employees undertake to immediately report any violations of the code of conduct.

False accusations or reports are violations of the code of conduct.

3. Final provision

The code of conduct takes effect on 1 January 2020.

On behalf of Caritas Switzerland:



Mariangela Wallimann-Bornatico
President

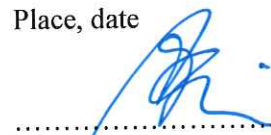
On behalf of the employees:



Hugo Fasel
Director

**For Caritas Switzerland
International Cooperation**

Place, date



Mr. Marc Glökler, Country Director

For Partner

Place, date



H.E. Chou Bun Eng
Permanent Vice Chairperson of NCCT,
Secretary of State of Ministry of Interior

1. Glossary

1. Corruption

Corruption is the abuse of an entrusted position of authority for private gain or advantage, in disregard of universal norms of conduct, e.g. moral standards, official duties or laws. Corruption is a social interaction in which those involved exchange advantageous benefits. The impact on third parties is hidden or disregarded.

Coercion

Coercion is committed by any person who uses violence or the threat of serious detriment to compel someone to do something, to refrain from doing something or to tolerate something.

Active bribery

Active bribery is committed by any person who offers, promises or grants an improper⁸ advantage to representatives of public authorities, companies, partner organisations, etc. for a specific official act, whether in breach of the bribee's duty or at his/her discretion.

Passive bribery

Passive bribery is committed by any person who, as a representative of Caritas, demands, lets him/herself be promised or accepts an improper advantage from others for an act that is in breach of his/her duty or at his/her discretion.

Granting of advantage

Granting of advantage is committed by any person who offers, promises or grants an improper advantage to representatives of public authorities, companies, partner organisations, etc. with regard to their future conduct as office holders.

Improper advantage

Taking improper advantage is committed by any person who, as a representative of Caritas, demands, lets him/herself be promised or accepts an improper advantage from others with regard to his/her own future conduct as a Caritas representative.

2. Psychological, physical and sexual violence

Physical violence

Physical violence encompasses all forms of abuse, including hitting, shaking, pushing, kicking, punching, object throwing, hair pulling, beating with fists or objects.

Psychological violence

Psychological violence describes all forms of emotional damage and injury to a person, including through direct psychoverbal threats, insults or intimidating and controlling behaviour, as well as through the use of social media (see also Bullying) or communication of stereotypes, or the citing of disparaging text or use of disparaging songs or symbols (see also Discrimination).

Sexual violence

Sexual violence is any sexual act or attempt to obtain a sexual act by violence or threat. A hallmark of sexual violence is the presence of compulsion, the lack of parity between the persons involved, and/or the lack of consent from one of them.

The term "sexual abuse" is often replaced by the term "sexualised violence" to emphasise the fact that this is violence and not sexuality.

Sexual violence includes:

- Non-consensual touching, kissing or pulling onto the perpetrator's lap,
- Sexual pestering and harassment,
- The urging or compelling of sexual intercourse or sexual acts,

⁸ Any advantage – material and immaterial – that exceeds what is socially acceptable and is more than insignificant is deemed improper.

- Urging or compelling others to view or participate in pornographic activities by way of photography, video or web chat,
- Threats in the event that the victim does not engage in sexual acts,
- Marriage to underage females.

The limitation of rights (e.g. access to family planning, freedom to decide whether to have children, access to contraception or health services, especially during pregnancy) is interpreted as violence.

Sexual and sexist harassment

Sexual and sexist harassment is deemed to be conduct with a sexual component which is unwelcome and unsolicited by the person or group of persons at whom it is directed, as well as by the organisation. It includes any form of unwelcome and unsolicited approach or attempt to demean the recipient by means of gestures, statements, depictions or actions which are regarded as insulting, intrusive, inappropriate or unwelcome by the person or group of persons at whom they are directed. The determining factor is the perception of the person(s) being targeted in the given situation.

Sexist harassment is often directed at a group of persons, particularly women, rather than at one individual.

Bullying

Bullying is the systematic marginalisation and humiliation of a person by one or more other persons. This hostile activity is repeated and continued over a prolonged period. A straightforward dispute or conflict as can occur in the workplace does not fall within the definition of bullying. There is nothing unusual about conflict, provided that the power relations of the two sides are balanced and the conflict occurs in the open. In fact, it can act as a catalyst for positive change.

Bullying is an attack on the target's standing or social relations; it hinders participation, debases the quality of the target's work and can have a negative impact on his or her health.

Discrimination

Discrimination comes in the form of activity or statements aimed at belittling, humiliating or mocking persons on account of their origin/ethnicity, skin colour, sexual orientation, religion, gender, age or other relevant characteristic. Discrimination flashpoints in the workplace can occur particularly in relation to pay, promotion or professional development. Discrimination can also take the form of negative comments in respect of another person's appearance, age, physique, lifestyle or other characteristic.

3. Data protection

Personal information

All information that relates to a specific or identifiable person or legal entity.

The following personal information is deemed particularly worthy of protection:

1. Religious, world view-related, political or trades union views or activities,
2. Health, private life or ethnicity,
3. Social assistance situation,
4. Criminal convictions or administrative sanctions.

Personal profile

A compilation of information that allows conclusions to be drawn on key aspects of a person's personality.

Dataset

A collection of personal information that is structured in such a way that the data can be assigned to particular persons.

Data protection

The precautions taken to prevent unwanted data processing and its consequences. These precautions serve in particular to protect personal privacy.

4. Zero tolerance

A policy whereby any violation of what has been agreed or stipulated (resolutions, laws, standards, etc.) is sanctioned without exception.