



**South India AIDS Action Programme**

**ANTI-BRIBERY AND ANTI-CORRUPTION  
POLICY**

**Implemented with effect from: 25<sup>th</sup> December 2018.**

# South India AIDS Action Programme

## Anti-Bribery and Anti-Corruption Policy

This anti-bribery policy exists to set out the responsibilities of SIAAP associates and those who work for us in regards to observing and upholding our zero-tolerance position on bribery and corruption. It also exists to act as a source of information and guidance for those working for SIAAP. It helps them recognise and deal with bribery and corruption issues, as well as understand their responsibilities.

### **Policy statement**

SIAAP is committed to the highest standards of ethical conduct and honesty in operations and is committed to implementing and enforcing systems that ensure bribery is prevented. SIAAP has zero-tolerance for bribery and corrupt activities. We are committed to acting professionally, fairly, and with integrity in all our functions, dealings and relationships, wherever in the country we operate.

### **Definition of bribery**

Bribery refers to the act of offering, giving, promising, asking, agreeing, receiving, accepting, or soliciting something of value or of an advantage so to induce or influence an action or decision.

A bribe refers to any inducement, reward, or object/item of value offered to another individual in order to gain commercial, contractual, regulatory, or personal advantage.

Bribery is not limited to the act of offering a bribe. If an individual is on the receiving end of a bribe and they accept it, they are also breaking the law.

SIAAP is bound by the laws against Bribery and Corruption in India, including the Indian Penal Code, 1860, Prevention of Corruption Act, 1988, Prevention of Money Laundering Act, 2002, Right to Information Act, 2005, Central Vigilance Commission Act, and the Lok Ayukta Acts of States. By law, bribery and corruption are punishable by upto 10 years of imprisonment and a fine.

### **Who is covered by the policy?**

This anti-bribery policy applies to all associates (whether temporary, fixed-term, or permanent), consultants, contractors, trainees, home workers, casual workers, agency staff, volunteers, interns, agents, sponsors, or any other person or persons associated with us (including third parties), or any of our subsidiaries or their associates, no matter where they are located (within or outside of India). The policy also applies to Officers, Trustees, Board, and/or Committee members at any level.

In the context of this policy, third-party refers to any individual or organization that our organization meets and works with. It refers to actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies – this includes their advisors, representatives and officials, politicians, and public parties.

Any arrangements our organization makes with a third party is subject to clear contractual terms, including specific provisions that require the third party to comply with minimum standards and procedures relating to anti-bribery and corruption.

## What is and what is NOT acceptable

This section of the policy refers to four areas:

- I. Gifts and hospitality.
- II. Facilitation payments.
- III. Political contributions.
- IV. Charitable contributions.

### I. Gifts and hospitality

SIAAP accepts normal and appropriate gestures of hospitality and goodwill (whether given to/received from third parties) so long as the giving or receiving of gifts meets the following requirements:

- It is not made with the intention of influencing the party to whom it is being given, to obtain or reward the retention of a project or any other advantage, or as an explicit or implicit exchange for favours or benefits.
- It is not made with the suggestion that a favour is expected in return.
- It is in compliance with the law.
- It is given in the name of the organization, not in an individual's name.
- It does not include cash or a cash equivalent (*e.g.* a voucher or gift certificate).
- It is appropriate to the circumstances (*e.g.* giving small gifts around Christmas or as a small thank you to an organization for helping with a large project upon completion).
- It is of an appropriate type and value and given at an appropriate time, taking into account the reason for the gift.
- It is given / received openly, not secretly.
- It is not selectively given to a key, influential person, clearly with the intention of directly influencing them.
- It is not above INR. 2500.
- It is not offered to, or accepted from a government official or representative or politician or political party, without the prior approval of the organization's management.

SIAAP recognizes that the practice of giving and receiving gifts varies between countries, regions, cultures, and religions, so definitions of what is acceptable and not acceptable will inevitably differ for each.

Where it is inappropriate to decline the offer of a gift (i.e. when meeting with an individual of a certain religion/culture who may take offence), the gift may be accepted so long as it is declared to the Executive Director, who will assess the circumstances. If the value is assessed above INR 2500, the gift will become the property of the organization and auctioned among the staff.

As good practice, gifts given and received should always be disclosed to the management. Gifts from partners/vendors/any other source, should always be disclosed and the true value assessed.

The intention behind a gift being given/received should always be considered. If there is any uncertainty, the advice of the administration manager should be sought.

### II. Facilitation Payments and Kickbacks

SIAAP does not accept and will not make facilitation payments of any nature. We recognise that facilitation payments are a form of bribery that involves expediting or facilitating the performance of a

public official for a routine governmental action. We recognise that they tend to be made by low level officials with the intention of securing or speeding up the performance of a certain duty or action.

SIAAP does not allow kickbacks to be made or accepted. We recognise that kickbacks are typically made in exchange for a favour or advantage.

### **III. Political Contributions**

SIAAP will not make donations, whether in cash, kind, or by any other means, to support any political parties or candidates. We recognise that this may be perceived as an attempt to gain an improper business advantage.

### **IV. Charitable Contributions**

SIAAP accepts (and indeed encourages) the act of donating to charities – whether through services, knowledge, time, or direct financial contributions (cash or otherwise) – and agrees to disclose all charitable contributions it makes. Associates must be careful to ensure that charitable contributions are not used to facilitate and conceal acts of bribery. We will ensure that all charitable donations made are legal and ethical under local laws and practices, and that donations are not offered/made without the approval of the Executive Director.

### **Associate Responsibilities**

As an associate of SIAAP, you must ensure that you read, understand, and comply with the information contained within this policy, and with any training or other anti-bribery and corruption information you are given.

All associates and those under our control are equally responsible for the prevention, detection, and reporting of bribery and other forms of corruption. They are required to avoid any activities that could lead to, or imply, a breach of this anti-bribery policy.

If you have reason to believe or suspect that an instance of bribery or corruption has occurred or will occur in the future that breaches this policy, you must notify the Director and the Executive Director. The matter may be discussed by the Board if deemed necessary. If any associate breaches this policy, SIAAP has the right to terminate their contract.

### **What happens if I need to raise a concern?**

This section of the policy covers three areas:

- a) How to raise a concern
- b) What to do if you are a victim of bribery or corruption
- c) Protection

#### ***a) How to raise a concern***

If you suspect that there is an instance of bribery or corrupt activities occurring in the organization, you are encouraged to raise your concerns at as early a stage as possible. If you're uncertain about whether a certain action or behaviour can be considered bribery or corruption, you should speak to your team leader, the Director, the Executive Director, or a Trustee. SIAAP will familiarise all associates with its whistleblowing procedures so associates can vocalise their concerns swiftly and confidentially.

***b) What to do if you are a victim of bribery or corruption***

You must tell your team leader as soon as possible if you are offered a bribe by anyone, if you are asked to make one, if you suspect that you may be bribed or asked to make a bribe in the near future, or if you have reason to believe that you are a victim of another corrupt activity.

***c) Protection***

If you refuse to accept or offer a bribe or you report a concern relating to potential act(s) of bribery or corruption, SIAAP understands that you may feel worried about potential repercussions. We will support anyone who raises concerns in good faith under this policy, even if investigation finds that they were mistaken.

SIAAP will ensure that no one suffers any detrimental treatment as a result of refusing to accept or offer a bribe or other corrupt activities or because they reported a concern relating to potential act(s) of bribery or corruption. Detrimental treatment refers to dismissal, disciplinary action, threats, or unfavourable treatment in relation to the concern the individual raises.

If you have reason to believe you've been subjected to unjust treatment as a result of a concern or refusal to accept a bribe, you should put your concern in writing to your team leader, the Director and the Executive Director, immediately.

**Training and communication**

SIAAP will provide training on this policy as part of the induction process for all new associates and from time to time or during review meetings / visioning exercises to all associates (new and existing). Associates will also receive regular, relevant training on how to adhere to this policy, and will be annually asked to formally accept that they will comply with this policy.

SIAAP's anti-bribery and corruption policy and zero-tolerance attitude will be clearly communicated to all suppliers, contractors, project partners, funding agencies, and any third-parties at the outset of business relations, and as appropriate thereafter.

**Record keeping**

SIAAP will keep detailed and accurate financial records, and will have appropriate internal controls in place to act as evidence for all payments made. We will declare and keep a written record of the amount and reason for hospitality or gifts accepted and given, and understand that gifts and acts of hospitality are subject to managerial review.

**Monitoring and reviewing**

SIAAP's Director and Board of Trustees are responsible for monitoring the effectiveness of this policy and will review the implementation of it on a regular basis. They will assess its suitability, adequacy, and effectiveness. Associates are encouraged to offer their feedback on this policy if they have any suggestions for how it may be improved. Feedback of this nature should be addressed to the Executive Director. This policy does not form part of an associate's contract of employment and may be amended at any time in order to improve its effectiveness at combatting bribery and corruption.

The Board of Trustees resolve to adapt this Anti-Bribery and Anti-Corruption Policy and is effective from 25<sup>th</sup> December 2018.