

## Code of Conduct



Valid from March 1, 2003

Updated on April 9, 2014

Revised in April 2017

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## Preamble

Swisscontact promotes economic, social and ecological development. We achieve our mission by creating opportunities for people seeking to improve their living conditions and livelihoods through their own initiatives and integrating them into local commercial life.

Swisscontact has strong faith in the integrity of its employees. Since Swisscontact works in many different countries and cultural environments, it is important to establish a common set of values that are binding for everyone. These values are anchored in the Code of Conduct (CoC) and supplement present or future policies, guidelines and rules adopted by Swisscontact.

These values are to be recognised and respected by all employees. The objective of the CoC is to provide employees with guidelines concerning their expected conduct at work and in public regardless of their cultural background. Compliance with the CoC ensures a constructive and innovative working climate based on mutual trust and safeguards Swisscontact's reputation and operational efficiency.

## Scope and application

The CoC applies to all employees at all times during their service with Swisscontact. "Employees" in the CoC refers to all Swisscontact employees, consultants, agents, advisors, volunteers, interns and all individuals working under the Swisscontact name and legal status.

The CoC is also an integrative part of our agreements with non-public contractual partners and subcontractors.

The Code, whether signed or not, shall automatically form an integral part of all Swisscontact contracts of employment and conditions of service for all employees.

If in a project an additional CoC applies, for example from a donor, then it will not replace the Swisscontact CoC. In such a case the stricter rules will apply.

As an organisation registered in Switzerland, Swisscontact is subject to the Swiss Legal Code. In addition, as a ZEWO<sup>1</sup>-certified organisation, Swisscontact is subject to the rules and regulations of ZEWO.

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<sup>1</sup> [www.zewo.ch](http://www.zewo.ch), for the rules and regulations: <https://www.zewo.ch/fur-hilfswerke/die-21-zewo-standards>, (in German and French only), 25.07.2016

## Guiding principles

**Respect for people:** All Swisscontact employees are entitled to fair, courteous and respectful treatment by their superiors, subordinates and peers. Swisscontact values the individuality, diversity and creative potential that employees bring into the organisation, and which helps to fulfil its mission.

**Equal rights:** Swisscontact and its employees shall respect all persons equally and without any distinction or discrimination based on gender, colour, religion, culture, education, social status, political opinion, disability, age, sexual orientation, family status or nationality.

**Respect contractual and legal obligations:** Swisscontact as an organisation and all employees shall fulfil their contractual commitments. They are expected to respect the law applicable in Switzerland and in the respective partner countries.

**Loyalty:** Employees acknowledge the purpose, vision and internal regulations of Swisscontact; they are loyal to Swisscontact. This does, however, not exclude providing constructive criticism, which employees express openly within the organisation. It must not be expressed publicly to the outside.

**Transparency:** Openness in the dissemination of information and in decision making is the norm for all employees within the organisation.

**Confidentiality:** All business information is handled confidentially whenever its nature demands discretion or if it is expressly required. Information obtained in the course of employment is not to be used for personal gain or benefit, nor is it passed on to others who might use it in such a way.

**Partnership-based co-operation:** Co-operation with partners and target groups is always fair, reliable and based on trust, honesty and mutual respect. The same also applies to the behaviour among employees, whereby a constructive approach to conflict management represents a key component.

**Corporate culture:** Employees understand that, with their work and behaviour, they contribute to the image building of the organisation.

**Labour Standards:** Swisscontact and its employees must fully comply with the International Labour Standards as set forth by the International Labour Organisation (ILO).

For more details, please refer to the ILO webpage<sup>2</sup>.

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<sup>2</sup> ILO, <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm>, 2016

ILO Core Conventions: Nr.29 Forced Labour Convention, dated 28 June 1930 (SR 0.822.713.9); Nr. 87 Freedom of Association and Protection of the Right to Organise Convention, dated 9 July 1948 (SR0.822.719.7); Nr.98 Right to Organise and Collective Bargaining Convention, dated 1 July 1949 (SR 0.822.719.9); Nr.100 Equal Remuneration Convention, dated 29 June 1951 (SR 0.822.720.0); Nr.105 Abolition of Forced Labour Convention, 1957, dated 25 June 1957 (SR 0.822.720.5); Nr.111 Discrimination (Employment and Occupation) Convention, dated 25 June 1958 (SR 0.822.721.1); Nr. 138 Minimum Age Convention, dated 26 June 1973 (SR 0.822.723.8); Nr.182 Worst Forms of Child Labour Convention, dated 17 June 1999 (SR 0.822.728.2)

## Rules of conduct

Each employee agrees and complies with the CoC and all mandatory rules, policies and procedures, and with the terms of their employment contracts and conditions of service. Non-compliance with the CoC may lead to disciplinary action or dismissal.

Each employee agrees and complies with the applicable laws of the country in which they are present. In case of violation of any applicable law, Swisscontact may not provide any legal assistance to the individual and/or arising costs from the legal assistance may be charged to him/her.

**Discrimination:** All actions or statements that put individuals of different origin, nationality, colour, gender, religion, or other relevant criteria such as looks, disability, age, sexual orientation etc. at a disadvantage, humiliate or ridicule them are regarded as acts of discrimination and hence are not tolerated neither towards colleagues within Swisscontact, nor towards colleagues in partner institutions. Employees involved in the recruitment of staff must ensure that appointments are made solely on the basis of a person's ability and potential in relation to the job requirements.

**Mobbing/bullying:** Mobbing/bullying is a systematic exclusion and humiliation of someone by one or more persons. It usually occurs repeatedly and over an extended period of time. Typical cases of mobbing are acts that attack a person's reputation or social relationships, impair the possibility to communicate, devalue the quality of work, or even harm people's health. Such behaviour is not accepted by Swisscontact and will be sanctioned. A simple argument or conflict, as may occasionally happen in any work situation, is not considered mobbing. As long as the power struggle between the conflicting parties is even and the conflict is dealt with in an open manner, it is nothing unusual. It might even serve as a trigger for positive changes. (see appendix 1 for details)

**Sexual harassment:** There is a thin but clear line between being friendly, obliging and a sexual pass, i.e. harassment: Any friendly type of close contact with someone is based on mutual agreement between two persons. Sexual harassment, however, occurs when one person intentionally fails to keep his/her distance in an uninvited and unwelcomed way. Individuals experience "not keeping distance" differently. Hence, there is no general limit of tolerance. This behaviour implies the degradation of a person on the basis of his or her sex and is offensive, humiliating, and in many cases even threatens the victims. Hence, it can neither be tolerated nor accepted (see appendix for details).

**Trafficking:** Swisscontact will not tolerate any exploitative labour practices and any associated criminal conduct. This explicitly includes "Trafficking in persons". This means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. For more details, please refer to the UN Human Rights webpage<sup>3</sup>.

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<sup>3</sup> UN Human Rights, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime from 15 November, 2000, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>, 2016

**Corruption:** Employees shall conduct all duties with integrity, free from any taint of dishonesty or corruption, including not engaging in any act of favouritism, nepotism, cronyism, or bribery. Swisscontact and its employees must adhere to Swiss and local laws pertaining to competition. The acceptance as well as the handing over of gifts or other advantages such as but not limited to money, loans, rewards, reduced prices or fares, jobs, contracts etc.), from/to (potential) collaborators, public officials, partner organisations, etc. is prohibited.

The allowed exception is the exchange of symbolic presents of low value in accordance with local customs of courtesy or when the superior has given his/her consent. In case of acceptance, the gift shall be used jointly with other staff members whenever possible. If gifts or advantages have to be declined the person making the offer should be informed of the standards and practices prevailing within Swisscontact.

**Activities outside of work:** Employees do not take up another paid or unpaid professional activity or accept responsibility for such without the express written consent of the competent superior. The consent shall not be unreasonably denied.

Advisory missions of employees, within their field of activity and during their working hours, require the superior's consent and will be undertaken on behalf of Swisscontact. Any fee will be treated as income for the organisation. Exceptions are to be formally laid down in the employment contract.

To run for or hold public office requires the express written consent of the CEO or Regional Director. The HR responsible shall keep the written consent in the personnel file.

**Use and protection of assets:** Employees adhere to high ethical standards and good business practices, including the careful use and protection of any Swisscontact assets: financial, physical, know-how, etc.

**Conflict of interest:** Employees take sufficient care to separate business from private spheres. They immediately and proactively disclose potential and actual conflicts of interest to their superior or the Country Director. Actual conflict of interest must be resolved in a manner that is objectively verifiable by and understandable to all parties involved.

When it comes to purchasing and logistics special rules apply. In order to avoid accusation of bias, employees must not be involved in any purchasing or other decision regarding logistics if they are related to or have a close personal relationship with a supplier.

When it comes to recruiting or promoting staff special rules apply. In order to avoid accusation of bias, employees must not be involved in any appointment or other decision regarding recruitment, promotion, compensation, etc. of employees, to whom they are related, or with whom they have a close personal relationship.

**Security:** All employees and their families must adhere to Swisscontact's security instructions (usually the Local Security Plan) provided by the security responsible (If there is no designated security responsible the Country Director is responsible) and local laws. Employees must sign a voucher that they have read and understood the LSP.

## How we make it work

### **Institutional responsibility**

The Executive Board, Regional Directors, the Management Team and the HR department at Head Office Zurich are responsible for putting in place effective mechanisms to ensure the highest standards of conduct are observed.

Further, they are responsible for regular appraisals of the CoC in order to assess its perception and compliance as well as feel the “temperature” of the working environment. These appraisals may result in an updating of the CoC. Finally, they are asked to observe the compliance with the CoC during their field visits.

#### **Checklist for Management Board / Management Team**

- When visiting the field, I shall take time to “take the temperature”.
- When rules/procedures/policies/regulations are modified, I shall inform all parties concerned.

### **Employee responsibilities**

Employees are responsible for ensuring that they have read, understood and comply to the CoC. In case of questions or doubts employees are advised to consult their superior or the HR responsible for further information.

#### **Checklist for employee**

- I have full knowledge of the Code of Conduct and other relevant internal documents (personnel policy, personnel regulations etc.). I understand their content and their implications.
- I shall adhere to them and comply with these principles and rules.
- I shall adopt a pro-active behaviour. I may have to modify some of my habits.
- I shall provide my feedback, positive or otherwise, in any situation.
- I know how to react and whom to contact at my local office and at the Head Office, if I suspect a violation of conduct, receive a hint from a colleague having a problem or feel victimised myself.

### **Manager /direct superior responsibilities**

Managers and superiors shall lead by example and are responsible for creating a culture of compliance with the CoC. Superiors are responsible for maintaining a positive, motivating working climate within their team. They encourage feedback.

In order to increase the awareness of the CoC and related topics, the CoC shall regularly be subject of discussion in formal and informal meetings, as well as in staff training programmes. Accountabilities and obligations must be made clear and understandable to all newly recruited or newly appointed staff.

#### **Checklist for manager / direct superior**

- Each of my employees has a copy of the CoC and of the relevant key documents (HR policy, personnel regulations).
- I shall regularly check that their content is understood and well received.
- I am responsible to implement them in my project/office.
- I shall constantly endeavour to increase awareness of specific issues among my employees in meetings, training programmes, etc.

- I shall encourage people to provide feedback.
- I shall regularly take time to inquire how people feel.
- In case of need, I shall ask for support from Head Office or from an external source. I know whom to contact.

### **HR responsible**

Each employee shall receive a copy of the CoC. New employees must be given full access to information about internal rules and regulations as well as assistance in case of doubt.

### **Local Compliance Officer** (formerly called "Ombudsperson")

The local Compliance Officer acts as an independent contact person to report potential violations of the CoC. The local Compliance Officer is exclusively responsible for treating cases of violation of the CoC. For (inter)personnel conflict situations it is usually the direct superior or the local HR responsible who provides assistance. The local Compliance Officer may only be contacted if the direct superior or HR might face a conflict of interest.

The employees in each country (re-)elect their local Compliance Officer minimum every two year.

To be eligible the local Compliance Officer should have:

- Whenever possible no direct supervision of employees in the respective country to warrant independence
- at least three years of professional experience (in total)
- a sound understanding of Swisscontact's CoC
- amiable communication skills
- good mediation and problem-solving skills

### **Checklist for local Compliance Officer / HR responsible**

- I shall encourage people to give me their feedback.
- I shall regularly take time to inquire how people feel.
- As soon as I receive a query or a complaint, I shall make sure to acknowledge its origin and inform the person about the next steps.
- In case of need, I shall ask for support from the programme director and/or the executive director. I know whom to contact.
- I shall briefly report on the registered cases (Swisscontact internal ones and cases among contractual partners) and the way there were resolved, once a year to Swisscontact's Director People&Learning at Head Office Zurich.

### **Explanatory Note for recruiting procedure**

When hiring new employees, we look for a professional and systematic approach, individual development capacity, and high compatibility with our organisational culture and guiding principles. As part of the recruitment process, a background check on the applicant must be carried out without exception by an internet research and references. Criminal records must be requested for management positions where applicable.

### **Explanatory Note for Swisscontact contractual non-public partners and subcontractors**

The CoC is an integral part of Swisscontact's contracts with its contractual partners, both individual and organisational. In signing the contract, contractual partners take on the commitment to hold themselves accountable for the observance of the CoC and to behave accordingly. They ensure, in turn, that

their personnel also adhere to the CoC. Disregard for the CoC leads to a discussion aiming to clarify the specific event and can lead to measures consistent with a violation of the contract.

In the event that Swisscontact's contractual partners or the latter's personnel should feel under pressure to act in a way that runs counter to the spirit of the CoC, or if they are witness to violations of the same, they are to address their superiors, the responsible Swisscontact Project Manager or the Swisscontact Compliance Officer with their concern. All of these bodies are under the obligation to treat any such incident or event with the utmost caution and discretion. In the case of criminal acts, however, the incidents will be reported onwards to the competent bodies or authorities.

## What to do in case of a suspected breach of CoC

Any breach of the CoC may have serious consequences for victims and weaken the integrity of Swisscontact. Swisscontact therefore considers reporting potential breaches of Code of Conduct crucial to fight individual misbehaviour or corruption, fraud and conflicts of interest. Victims and witnesses of misconduct related to activities of Swisscontact are encouraged to report cases immediately. Therefore, Swisscontact has defined a reporting mechanism and different reporting channels.

### 1. Internal reporting channel

Express yourself clearly and confidently if you feel offended by specific comments or actions or suspect a violation of the CoC by another employee:

- **Ask for a personal conversation:** either one-to-one between the parties concerned, or in the presence of a person of trust.
- **Write a personal letter:** if you feel uncomfortable about a conversation, express yourself in a letter, listing the remarks and actions you find offensive or suspicious of a violation of the CoC. If the situation does not improve after such a letter you should write a second one and send a copy to the Compliance Officer, the Director People & Learning at the Head Office or any other superior of trust.
- **Collect evidence and look for witnesses:** write down what happened when, where and how.
- **Consult the Compliance Officer** or any superior of trust (orally or through a confidential letter), who will treat the matter with absolute confidentiality. There will be no retaliation for such reporting.
- **Use our internal reporting channel:** [whistleblowing@swisscontact.org](mailto:whistleblowing@swisscontact.org)

**Investigation:** In case a violation of the CoC has been reported and could not be solved in the above stated manner, a formal investigation will be undertaken by the Compliance Officer or the superior approached.

The procedure is to be documented and the Director People & Learning at Head Office has to be informed. Those receiving complaints or violation reports are responsible to acknowledge them personally and rapidly, to inform the plaintiffs of the procedure and to solve all complaints received within due time. If needed, he/she is responsible to ask for support from the Head Office. In case of unsatisfactory handling by the management, employees are entitled to involve the Executive Committee of the Board of Trustees (Stiftungsratsausschuss) of Swisscontact. Depending on the severity of the case, breaches of conduct might result in a written warning, reallocation to a different job, or even dismissal and legal prosecution.



**Confidentiality:** Confidentiality must be guaranteed by the Compliance Officer, the HR responsible and all superiors involved.

**False complaint:** A false accusation or misleading information might be subject to disciplinary action of appropriate degree. There will be no retaliation for bona fide reporting of a suspected breach of the CoC.

## 2. External reporting channel

Swisscontact has signed up with Safecall, a professional reporting service with a whistleblowing hotline. Internal and external whistleblowers, such as suppliers and partners can report anonymous or namely by phone or online on Safecall's web portal.

The experts of Safecall receive complaints in over 170 languages and transmit them to the person in charge at Swisscontact. The confidentiality and anonymity of the informer is respected. Safecall provides two contact options:

- International Free Phone Number: +800 7233 2255 or +44 191 516 7749
- Online: [www.safecall.co.uk/report](http://www.safecall.co.uk/report)

Details and links are on Swisscontact's website available.

## Appendix 1: Fair and harassment-free workplace

### Discrimination

The Swiss Federal Constitution states: “No person may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability.”<sup>4</sup> “Employees must not be discriminated against on the basis of their sex, whether directly or indirectly, including on the basis of their marital status, their family situation or, in the case of female employees, of pregnancy. This prohibition applies in particular to hiring, allocation of duties, setting of working conditions, pay, basic and advanced training, promotion and dismissal.”<sup>5</sup>

Swisscontact also considers the following behaviours as discriminating:

- putting certain groups (e.g. persons of certain origins, working mothers) at a disadvantage with respect to promotion, training, or bonuses.
- ignoring an individual belonging to a certain group (e.g. cleaning staff)
- xenophobic or racist jokes, statements, and comments
- homosexual or “gay” jokes, statements and comments
- offensive imitation of language or posture

Particularly when discriminating against whole groups, offenders usually feel they can hide behind common prejudices, moods, and opinions. We do not want and must not support this. Swisscontact does not tolerate any discrimination neither against groups nor against individuals.

### Sexual harassment

“Any harassing behaviour of a sexual nature or other behaviour related to the person's sex that adversely affects the dignity of women or men in the workplace is discriminatory. Such behaviour includes in particular threats, the promise of advantages, the use of coercion and the exertion of pressure in order to obtain favours of a sexual nature.”<sup>6</sup> In the majority of cases the victims of sexual harassment are female - independent of their age, looks, marital status, education, and professional position. Young professional beginners and women who out of fear or insecurity do not defend themselves are more at risk than other women.

Sexual or sexist harassment includes for instance:

- unwelcome body contact
- request for sexual actions or favours
- passes in connection with a promise for advantages or with a threat of disadvantages in case of non-compliance
- presentation or foisting of pornographic material
- suggestive comments, “pushy” behaviour
- obscene jokes (also by e-mail)
- suggestive, meaningful glances

Sexual harassment at work - as well as anywhere else – is always a blatant disregard for human dignity and will be sanctioned at Swisscontact.

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<sup>4</sup> Federal Constitution of the Swiss Confederation, Art. 8, Paragraph 2

<sup>5</sup> Swiss Federal Act on Gender Equality, Art. 3

<sup>6</sup> Swiss Federal Act on Gender Equality, Art. 4

### **Misuse of power**

Misuse of power occurs when a person is directly or indirectly made dependent on another person. Any exploitation of a working relationship is against corporate policy of Swisscontact.

From that perspective the following actions may be examples of power misuse:

- making the dependent person fulfil private tasks and/or favours against his/her will
- allocating undemanding tasks that do not comply with the person's job description
- 'selling' dependent individual's ideas as your own
- threatening to dismiss the person out of spontaneous anger
- generally ignoring company rules to the disadvantage of the dependent individual
- threatening to use violence

### **Mobbing/Bullying**

Mobbing and bullying describe a pattern of repeated negative, intrusive behaviours against one or more persons, including:

- spreading rumours about the targeted person
- abruptly stopping conversations whenever the victim enters the room
- allocating tasks that are clearly below the victim's qualifications or that are pointless
- allocating tasks that are unfeasible or lack proper explanation
- ridicule the victim's work or achievements
- gossiping about the victim's private life
- excluding the victim from private social activities during the working day (e.g. lunch break)
- withholding important work information from the victim
- 'swearing or yelling' at the victim (verbal abuse)
- threatening the victim
- etc.

All of us experience many of the above at some point. As individual and separate cases they are not unusual. However, if such incidents do repeatedly occur over an extended period of time, it is usually considered a case of mobbing/bullying.

### **Possible consequences**

For the targeted person

- loss of self-esteem and continuous self-blame
- psychological and physical illnesses (e.g. depression)
- social isolation even in the victim's private life
- de-motivation, loss of job/resignation
- suicide

For the team and Swisscontact as employer

- de-motivation of all people involved
- hostile working climate and mutual distrust, failure of co-operation among the team
- declining job performance and absences of the targeted person
- absences due to actively or passively spending time on the case
- damage to the organisation' image and reputation

## Appendix 2: Child and youth protection

Swisscontact is keen to prevent children / youth abuse and exploitation while promoting youth participation in the different programs. This applies to all the programs' stakeholders, including Swisscontact employees, partners and subcontractors.

The organisation maintains a high level of protection of both children and youth from any form of abuse and exploitation by either employees or other parties working with Swisscontact.

As part of the CoC, Swisscontact requires all employees to identify and address risk factors and prevent abuse, child labour and exploitation of children and youth as well as ensuring total compliance by all employees, partners and subcontractors. Such abuse, child labour and exploitation include physical, emotional and health deprivation that's effects their potential and their dignity, and that is harmful to the physical and mental development.

### **Employees and partners of Swisscontact must never:**

- Abuse or exploit children / youth or behave in any way that places children / youth at risk of harm.
- Engage children / youth in hazardous work, beyond the capability, mentally, physically, socially or morally dangerous and harmful, interferes with schooling or obliging them to leave school prematurely
- Exchange money, gifts, employment, goods or services for sex with children / youth, including sexual favours or other forms of humiliating, degrading or exploitative behaviour or any other behaviour that could be deemed exploitative of children / youth.
- Have children / youth they are working with stay overnight at their home unsupervised or sleeping in the same room or bed with children / youth.
- Do things for children / youth of a personal nature that they can do for themselves.
- Offend, insult, humiliate or degrade children / youth or perpetrate any form of emotional abuse.
- Discriminate or provide favourable treatment to one child / youth.
- Restrain children / youth. Discipline children / youth using any form of physical contact, or emotional or psychological pressure, abuse or intimidation.

### **Swisscontact employees and partners must:**

- Be aware of potential risks and take appropriate action so as to minimise risks.
- Create an environment where concerns can easily and safely be raised and discussed.
- Recognise and remedy potential situations which may lead to violent acts against children / youth.
- Contribute to an environment where children / youth are respected and encouraged to discuss their concerns and rights.
- Ensure that youth are aware of their rights, labour laws, regulations policies and resources which are available to them if there is a problem.
- Provide youth with all necessary details regarding their participation in programs and activities, including all information regarding any voice recordings, video or photographs of youth, so that they can take an informed decision.
- Report to Swisscontact's Compliance Offer, HR responsible or Country / Project Manager any suspected abuse of children / youth whether by Swisscontact employees, partners or stakeholders.
- Work with children / youth to define what is acceptable or unacceptable behaviour with Swisscontact employees or partners.

**Where to go for help in case of suspected violation of child / youth protection**

- Swisscontact has to investigate the situation.
- In cases where Swisscontact personnel is proven to have abused children / youth, the said personnel will be subject to the normal disciplinary actions according to the Swisscontact's CoC and report to local legal authorities.
- For partners and stakeholders found to be involved in children / youth abuse and exploitation, Swisscontact will terminate the partnership and discontinue any other engagement.