

EITI Anti-Bribery and Anti-Corruption Compliance Policy

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1. Background

The [EITI Association's Code of Conduct](#) affirms the Extractive Industries Transparency Initiative's (EITI) commitment to uphold high moral and ethical principles and specifies the basic norms of behaviour for those conducting business on its behalf.

This policy (EITI Anti - Bribery and Anti-Corruption Compliance Policy) supplements the Code of Conduct and reinforces the EITI's commitment that it will work against corruption in all its forms, including corrupt payments to government officials as well as commercial bribery such as kickbacks and bid rigging. EITI Office Holders, as defined in the Code of Conduct, and all individuals engaging in EITI related activities, are required to be fully familiar with this policy and to strictly adhere to it.

This policy identifies practices which could potentially violate anti-corruption laws.

2. Introduction

This document sets out EITI's policy on anti-bribery and anti-corruption. It must be read in conjunction with other organisational documents, such as the [EITI Code of Conduct](#), Staff Manual, Finance Manual, [Policy on Voicing Concerns](#), [EITI Procurement Policy](#), [EITI Due Diligence policy](#), EITI Travel Policy and other related documents which the EITI Secretariat may adopt from time to time.

This policy commits the EITI to conducting business ethically and with the utmost integrity in all jurisdictions where it operates. The policy requires compliance with all applicable international laws and regulations on bribery and corruption, and other applicable national anti-bribery statutes and implementing rules and regulations.

3. Implementation and compliance

3.1 Implementation

The EITI Executive Director (ED) and the EITI Anti-Corruption Lead, with support from EITI line managers, is primarily responsible for ensuring that this policy is implemented and adhered to, and that all EITI staff, third parties and business partners are made aware of the policy and its requirements.

The EITI HR & Operations Manager is responsible for the inclusion of EITI Anti-Corruption statement as part of the employment contract and for annual training to take place if required.

The EITI Anti-Corruption Lead is responsible for conducting regular risk assessments under Section 11 of this policy.

3.2 Compliance - deviations

No exemptions from this policy can be granted unless there are exceptional circumstances. All requests for exemptions must be made in writing to the EITI Executive Director who must assess and decide on each request individually in consultation with the EITI Anti-Corruption Lead and the EITI HR & Operations Manager. Exemptions must be duly logged and documented.

3.3 Compliance - revision

This policy must be reviewed and approved **by members of the EITI senior management team and the EITI HR & Operations Manager at least every three years**. It may however be amended at any time, as and when deemed necessary. In the event of any discrepancies between the English version of this policy and a translated version, the English version will be binding.

4. Definitions

4.1 Definition

Violations that are covered by this policy include, but are not limited to: bribery, corruption, and kickbacks:

Bribery is offering, giving, promising, soliciting, or accepting anything of value (financial or non-financial) to/from a government official or any other person, directly or indirectly through a third

party, to improperly influence that person in the performance of a duty or to obtain or retain business or any undue business advantage.

Corruption is the abuse of entrusted power for personal gain.

Kickbacks are defined under this policy as payments, whether or in cash or in-kind, that are made to enhance or facilitate the performance by a public official or private individual of a particular act in exchange of a favourable decision or action for the person offering the bribe.

4.2 Government or public officials

Without prejudice to national definitions of government or public officials, the following are considered as such officials regardless of rank or title:

- An officer or employee of any local, provincial, or national government, (e.g. government agencies, ministers, members of parliament, police officers, firefighters, members of the military, tax authorities, customs inspectors, food, and drug agency regulators, etc.);
- A director, officer, representative, agent, or employee of any government-owned or controlled business or organisation;
- Any person with the responsibility to allocate or influence expenditures of government funds, including persons serving in unpaid, honorary, or advisory positions;
- An officer or employee of a public international organisation (e.g. the United Nations, International Olympic Committee, International Red Cross, World Bank, etc.);
- Any person acting in an official capacity or on behalf of any government or public international organisation (e.g., an official advisor to a government);
- Any officer or employee of a political party; and
- Any candidate for political office.

Associates or affiliates including close relatives (e.g. parent, sibling, spouse, or child) of any of the above shall be covered by the provisions of this policy.

5. Who is covered by this policy?

5.1 EITI Office Holders and programme partners

Violating applicable anti-corruption laws potentially exposes the EITI, its employees, and any third-party intermediaries (regardless of nationality or location of residence) to significant criminal and civil liability, fines, and penalties. Corruption is a major obstacle to poverty reduction and, by adopting this policy, EITI signifies its adherence to global anti-corruption standards.

This policy applies to EITI Office Holders as defined under the [EITI Code of Conduct](#),¹ including programme partners. EITI staff from the International Secretariat found to be in breach of this policy will face disciplinary action, which may result in dismissal for gross misconduct, without prejudice to prosecution under applicable anti-corruption laws. As may be determined by the EITI Board, EITI Office Holders and programme partners who violate this policy would be subject to civil, administrative, and criminal processes under applicable laws. EITI Office Holders who breach this policy will also be subject to the provisions of Article 12 of the Code of Conduct.

¹ All EITI Board Members, their alternates, Members of the EITI Association, secretariat staff (national and international), and members of multi-stakeholder groups (below referred to as "EITI Office Holders") shall abide by this Code of Conduct.

5.2 Third Parties

This policy applies to all individuals working at all levels of the EITI, regardless of whether they occupy permanent or temporary positions, including remote staff and interns. It also applies to any third party (Third Party) working on EITI's behalf. Third Party includes all suppliers, contractors, business partners, programme partners and relevant customers that the EITI engages with in its programmes, procurement, and other types of activities.

6. Prohibited acts under this policy

6.1 Facilitating payments and kickbacks

Facilitating payments refer to benefits received by a party for any form of transaction in excess of its actual monetary value and that which is outside of the actual contractual obligation. These are paid out by the receiver to the initiator who may wish to hide their identity.

Facilitating payments and kickbacks, are prohibited under this policy regardless of national laws or culture.

EITI Employees and Third Parties, in particular third-party intermediaries, are prohibited from making or facilitating payments (bribes) on EITI's behalf.

All EITI Employees and Third Parties are prohibited from engaging in any acts of bribery or corruption, either directly or through a third party.²

EITI Office Holders and Third Parties must not offer, give, promise, solicit, or accept any gift, hospitality, or any other thing regardless of value to any individual:

- Which could be regarded as illegal or improper, or which violates the recipient's policies; or
- Which was intended to improperly affect or influence the outcome of a business transaction.

Regardless of national laws or local customs, the following gifts are not allowed:

- Cash or equivalent (e.g. gift cards or vouchers, discounts).
- In-kind gift, travel or hospitality costs to government officials and their family members. This does not include travel, accommodation, and meals in relation to participation of government officials in EITI activities, provided, that the latter should always be limited to reasonable amounts.
- Gifts that violate local customs, rules or regulations governing the conduct of the government official, or that would reflect badly on the EITI (e.g. alcohol).

Improper payments of things of value that are not always obvious are prohibited under this policy. They could include, but are not limited to:

- Excessive entertainment or entertainment not connected to a legitimate business purpose.
- Lavish gifts.
- Trips not connected to a legitimate business purpose.
- Personal loans.

² Other forms of prohibited acts under this policy can be found under section 5.

- Kickbacks.
- Unexplained fees or commissions.
- Charitable donations or political contributions with strings attached.
- Contingent or “success” fees.
- Cash payments to expedite services.
- Providing employment or other benefits to relatives of government officials.

A request for a payment that exceeds the normal or customary fee charged for a service is a "red flag" or warning sign that such payment might violate the policy.

Any offering or receiving of gifts, free trips, or other compensation over the value of USD 100 directly or indirectly related to the discharge of EITI responsibilities should be declared to the EITI Executive Director who will consider what further actions will be needed to be taken. Any offering or receiving of gifts considered excessive should be refused. In case of doubt as to whether a gift is excessive or not, the EITI International Secretariat or multi-stakeholder group concerned should be consulted. Should it be inappropriate to refuse an offering, notably because such refusal could prove embarrassing to the donor, the gift is to be surrendered to the EITI International Secretariat or the multi-stakeholder group concerned.

6.3 Charitable and political contributions

The EITI prohibits the use of EITI funds for political contributions.

From time to time, EITI may make charitable donations in the form of in-kind services, knowledge, time, or direct financial contributions. Charitable contributions are acceptable, provided:

- The request for a donation is made in writing and sufficiently describes the charitable purpose of the donation, any business reason for the donation, and all details about the recipient;
- The donation is legal and ethical under local laws and practices;
- Proper due diligence is performed to ensure that the recipient is a bona fide charitable organisation, and the recipient has no connection to a government official who can act or take a decision in favour of the EITI;
- The donation will not be misused in exchange for a business benefit or advantage;
- It is approved in writing through a Secretariat Decision by the EITI Executive Director (ED) in advance; and
- It is accurately recorded in EITI books and records.

6.4 Working with Third Parties

As anti-bribery laws prohibit “indirect” as well as direct offers and payments, EITI and EITI Office Holders should exert due diligence when engaging with Third Parties such as the EITI’s agents and business partners. To this end, EITI Office Holders should proactively evaluate situations where there are red flags or reasonable grounds to believe that violation of this policy might occur or has occurred. Turning a “blind eye” or ignoring “red flags” will not constitute valid defence.

Authorising a Third Party to commit acts that EITI Office Holders cannot do directly under this policy is a violation of this policy.

6.5 Due diligence and contract requirements

Before entering a relationship or contract with a Third Party, a reasonable investigation into the Third Party's background, reputation, and business capabilities shall be performed. This investigation is called **due diligence** and the process is explained in the [EITI Due Diligence Policy](#).

All contracts must contain anti-corruption representations and warranties consistent with this policy and the Third Party has formally accepted and agreed to comply with the EITI's anti-corruption policy.

7. Procedures

7.1 Travel

In situations where Government officials and/or individuals in decision making positions may need to travel to a designated venue to attend a meeting and where the EITI International Secretariat is responsible for their travel costs the following procedures must be followed. Travel costs for sponsored participants to attend meetings should be the same as for staff and should follow the guidance in the [EITI Travel Policy](#). Exemptions may be allowed for extraordinary circumstances, subject to approval of the EITI Executive Director in consultation with the EITI Anti-Corruption Lead, and the EITI HR & Operations Manager.

- Project support persons must submit the names of the sponsored participants to the EITI Executive Director or EITI Project Lead for approval before any travel arrangements begin.
- [Travel Authorisation forms \(TAs\)](#) must be completed at least one month in advance for all business travel, as far as practicable. The form is to be used to assess cost as well as the risk and environmental considerations required to establish if the travel is deemed an essential business need.
- Air travel should be done as cheaply as possible and booked well in advance to guarantee cheaper rates.
- Travel should be on economy for short haul flights (under 5 hours), and premium economy on long haul overnight flights (over 5 hours) or, where not available, on economy class.
- Requests can be made for travel on business class (e.g. when on overnight flights or when attending meetings immediately on arrival or where pricing is similar). Approval of these requests is at the discretion of the Project Lead.
- It is recommended that [Egencia](#) is used to book flights. Tickets booked through other channels should be documented to show that the option is not a more expensive alternative. Tickets should be booked well in advance (at least one month for long haul) to manage costs. The EITI Project Lead should send an email to Egencia (customer_service@egencia.no) with clear instructions.

7.2 Accommodation

- It is recommended that Egencia is also used to book accommodation where possible and options should be considered based on practicality and location.
- Where Egencia is not used, the EITI Project Lead should make a reservation for the sponsored participant at the designated hotel and an invoice for all stays will be submitted to the EITI International Secretariat for payment. Accommodation costs should be reasonable following the principles under 7.3 below.

- Luxury hotel options should be avoided while ensuring EITI staff comfort and safety. It is, for example, reasonable that hotels chosen in many countries must provide internet access.

7.3 “Reasonable costs” reimbursement

In scenarios where there will be a need to reimburse for reasonable costs (e.g. local transport for attendees to an event with or without the possibility of receiving an invoice/receipt against this expenditure), the EITI International Secretariat’s policy is to reimburse against reasonable costs. All reimbursements will be done by bank transfer and supported by receipts as per the EITI Travel Policy. **Per diems will not be paid.**

EITI Project/Programme Leads are requested to take the following approach when assessing whether an expenditure is a “reasonable cost” using the following approaches:

1. **Is the amount a reasonable travel cost?** If all participants live in the same city in which the EITI event is being held, and one of them has a receipt, then reasonable travel cost could be estimated based on that one receipt.
2. **Is the amount a reasonable associated cost?** For participants who live outside of the city in which the event is being held, and who are traveling explicitly to attend an EITI event travel cost (section 6.1 above if possible), accommodation and a reimbursement for food can be considered.

When official receipts are not available, a written document signed by the driver indicating the amount, date, point of origin and destination would be an acceptable substitute for an official receipt. These costs must be assessed in advance of the meeting, agreed on and communicated to the participants.

Once the EITI Project/Programme Lead has assessed the expenditure to be a “reasonable cost” - currently set to the equivalent of NOK (Norwegian Kroner) 200 as per the EITI Travel Policy - the following steps must be followed:

- The sponsored participant pre-pays the pre-agreed amount for transportation/accommodation costs, based on signed attendance.
- The sponsored participants then send the EITI International Secretariat a request for reimbursement labelled “Reimbursement for travel costs” and attaches corresponding receipts and the signed attendance list as evidence for this expenditure.
- All invoices must indicate the department, the project, and the activity costs, that they should be charged to for reporting purposes.
- Reimbursement will only be done via bank transfer.

The following will be required for approval:

- Name and address of bank
- Correct name of bank account holder
- International Bank Account Number (IBAN)
- SWIFT code

8. Reporting and anti-retaliation

It is the responsibility of EITI Office Holders, EITI Management, and Third Parties to prevent, detect and report bribery and corruption.

EITI employees must immediately notify the EITI Executive Director and the EITI Anti-corruption Lead if they believe or suspect that a violation of any bribery or corruption laws or this policy has occurred or could occur in the future. If unsure whether an act constitutes bribery or corruption, or if there are other questions or concerns, EITI employees must raise their concerns with the EITI Executive Director and the EITI Anti-corruption Lead.

Alternatively, such matters can be submitted anonymously by submitting a description of the concern or complaint through the confidential online form provided for under the procedure for voicing concerns at <https://eiti.org/how-to-voice-your-concern>. Anonymous complaints must be accompanied by details to aid investigation.

The EITI will not tolerate any form of discrimination, harassment or retaliation against any person who raises a concern in good faith or refused to participate in conduct that would violate law or this policy.

9. Books, records, accounting, and payment practices

To prevent the possibility of bribes and kickbacks being offered, paid, or accepted, all the EITI's business and financial records must fairly and accurately reflect each transaction involving the EITI's business and/or the deployment of company assets.

Secret, unrecorded, or unreported transactions are prohibited and will not be recognised. It is recommended that the EITI Finance Manager (SJohansen@eiti.org) and the EITI Policy team (Policy@eiti.org) are copied in on all transactions.

All expenses must be accurately accounted for, with appropriate supporting documentation and be promptly entered into the EITI's records before they are reimbursed as per the EITI Finance Manual.

The requirement includes, but is not limited to, the accurate identification in expense reports and related financial records of all payments to third-party intermediaries acting for or on behalf of the EITI. The EITI Finance Manager will be responsible for overseeing all reimbursements and flagging any irregularities to the EITI Executive Director.

10. Training and communication

The EITI will provide training to all staff when required to, or annually as a minimum, to assist them in understanding and complying with this policy and to inform them of changes to the policy. This policy will be circulated to all EITI Staff and Third Parties. EITI Staff and Third Parties must participate in and complete the offered training when required to do so.

EITI Staff and Third parties who are involved in transactions or activities where any of these prohibited acts might occur should ensure that they have circulated and explained this policy to all relevant parties. Examples of transactions and activities include, but are not limited to procurements, missions, workshops/trainings, official meetings, and the like.

The policy will be made available on the EITI website and must be circulated by email to all EITI Office Holders including consultants, participants, and members of implementing country multi-stakeholder groups.

11. Risk assessment

The EITI will undertake a high level, organisation-wide bribery, and other financial crime risk assessment every three years and if specific circumstances require, such as a material change to the EITI's geographic or business coverage.

The results of the analyses/interviews found during the risk assessment will be documented and retained for record keeping purposes.

12. Contact

For more information, please send an email to the EITI Asia Director and Anti-corruption Lead, Gay Ordenes (GOrdenes@eiti.org) and the EITI HR & Operations Manager, Jeanette Reinertsen (JReinertsen@eiti.org) in copy.