

CASA

CODE OF CONDUCT

For CASA staff

Church's Auxiliary for Social Action (CASA)

(Approved by CASA National Board on February 24, 2011)



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1. Introduction

CASA is a specialised ministry of the Protestant and Orthodox Churches in India and mandated to carry out the Humanitarian Aid, Development & Advocacy work in favour of the poor, excluded and marginalised sections of the society, since 1947. Humanitarian Aid Response, Development & Advocacy related work within a framework of Rights Based Approach are the hallmarks of CASA. With a workforce of over 500 employees CASA has worked in 24 States and Union Territories across India. We are operational in more than 3,500 villages with above 200 partner organisations. Today CASA is responding to around 50-60 (major & minor) emergencies in a year through its Humanitarian Aid Response programme. CASA strive towards a policy of 'Equal Opportunity for All' and therefore does not discriminate among its staff on the basis of caste, colour, religion and sex.

By virtue of its mammoth coverage and outreach with diverse background of its staff and partners, it becomes very important for the organisation and its partners to adhere to a 'Code of Conduct' commonly agreed upon by all concerned in order to remain a transparent, accountable and equal opportunity organisation.

CASA and its partner organisations have a common commitment to prevent sexual exploitation and abuse, fraud and corruption and abuse of power. CASA staff are personally and collectively responsible for upholding and promoting the highest ethical and professional standards in their work. **Annex 1** provides definitions of key terms used in this policy document.

2. Purpose

The main purpose of the **CASA Code of Conduct** is to promote greater accountability among staff members and partners of CASA and the people with whom we work in our humanitarian and development programmes. It seeks to protect every woman, man, girl and boy with whom we work from abuse by individuals or groups from within CASA. The Code is intended to serve as a guide for CASA staff to make ethical decisions in their professional lives.

3. Scope

The **CASA Code of Conduct** applies to CASA staff, who relate with communities and others in organisation's humanitarian aid, development and advocacy work. It also applies to temporary personnel such as consultants and volunteers who work in CASA's development and humanitarian aid programmes. The term "staff" will be used hereinafter in this document for CASA personnel and others those who are engaged in any capacity with the work of CASA in its work with communities.

All CASA partners are encouraged to promote the spirit and principles of the **CASA Code of Conduct** among their staff members and the communities they work with.

The management of CASA has a responsibility to ensure that staff members are aware of this **Code of Conduct** and what it means in concrete behavioural terms.

The Code of Conduct shall be signed by CASA staff.¹ Staff members are responsible for ensuring that the Code is complied with.

4. CASA Code of Conduct

The CASA Code of Conduct outlines the key responsibilities of CASA staff in relation to respect for the welfare and rights of the people with whom they work in the development and humanitarian aid context. It is designed to assist staff to better understand the obligations placed upon their conduct, as to prevent the following: Sexual Exploitation and Abuse (SEA), all forms of harassment, fraud and corruption, security breaches, and unethical business practices.

Therefore, CASA staff shall at all times:

- Respect and promote fundamental human rights² without discrimination.
- Treat all communities with whom we work (including crisis-affected populations, Internally Displaced Persons IDPs and refugees), fairly and with respect, courtesy, dignity and according to International Laws and Standards³
- Promote the implementation of the **CASA Code of Conduct** by contributing towards the creation and maintenance of an environment that prevents sexual exploitation and abuse, abuse of power and corruption.
- Report immediately⁴ any knowledge, concerns or substantial suspicions of breaches of the Code to her/his line manager / senior in CASA and/or senior management of the CASA's partner organisation (or following procedures established by the organisation's complaints redressal mechanisms), who is expected to take prompt investigative action.
- Be aware that failure to disclose or knowingly withhold information about any reports, concerns or substantial suspicions of breaches of this **Code of Conduct** constitutes grounds for disciplinary measures.
- Feel protected by CASA's commitment to providing a safe environment through which to voice a concern, without fear of reprisal or unfair treatment.
- Uphold the highest standards of accountability,⁵ efficiency, competence, integrity and transparency in the provision of goods and services in the execution of their job.

¹ Some CASA partner organisations have comprehensive Codes of Conduct that espouse the principles of the CASA Code of Conduct and in some cases exceed the CASA commitments outlined in this document. In such cases, CASA partners should share their Code of Conduct with CASA and jointly discuss and agree on the document, which should be signed by its organisations staff. CASA recognises that a vast amount of time and energy has gone into the development of individual organisation's Codes and wishes to recognise this valuable organisational learning process.

² As set out, for example, in the Universal Declaration of Human Rights, 1948, see: <http://www.un.org/en/documents/udhr/index.shtml>

³ Standards include for example the **Code of Conduct** for The International **Red Cross** and Red Crescent Movement and NGOs in Disaster Relief (www.ifrc.org/publicat/conduct/) and the Sphere Standards 2011 version (<http://www.sphereproject.org/>)

⁵ This includes professional conduct in relations to accountable and transparent organization procedures in relation to finances, governance, and management as well as adhering to international standards such as those noted in footnote 5 above.

- Cooperate when requested with any investigation into alleged breaches related to this Code.

4.1 Sexual Exploitation and Abuse⁶

Sexual exploitation and abuse is one form of Gender-Based Violence (GBV). CASA recognises that Sexual Exploitation and Abuse (SEA) can occur in any development or humanitarian setting. In humanitarian crises, however, the dependency of affected populations on humanitarian agencies for their basic needs creates an additional ethical responsibility and duty of care on the part of CASA staff.

To protect CASA stakeholders in all situations, CASA staff shall:

- Understand that sexual exploitation and abuse by staff involved in development and humanitarian work constitute acts of gross misconduct and are therefore grounds for termination of employment.⁷
- Never engage in any sexual activity with children (persons under the age of 18) regardless of the age of majority or age of consent locally. Sexual activity with children in any form is absolutely not acceptable within CASA . Mistaken belief in the age of a child is not a defence.
- Not accept, solicit or engage in the "buying" of or profiting from sexual services in the operational areas of CASA. This is applicable to CASA staff both within and outside of working hours.
- Never exploit the vulnerability of any target group in the context of development and humanitarian work, especially women and children, or allow any person/s to be put into compromising situations.
- Know that the exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
- Never abuse a position to withhold development or humanitarian assistance, or give preferential treatment; in order to solicit sexual favours, gifts, payments of any kind, or advantage.
- Given the increased vulnerability of populations in crisis situations, staff are prohibited from engaging in sexual relationships with members of crisis-affected populations since such relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of humanitarian aid work. This applies to staff members of CASA engaged in development and humanitarian aid, development and advocacy work equally.

CASA promotes the integration of a gender-sensitive perspective into efforts to effectively prevent and respond to sexual abuse and exploitation.

⁶ See CASA's Gender Policy on the prevention of Sexual Harassment . For tools and resources in support of prevention of SEA, see also http://www.un.org/en/pseataaskforce/tools_response.shtml

⁷ CASA management should take into consideration whether, how and when to inform the police. The survivor's view shall be sought, as people who report abuse may be at risk from the police in some circumstances.

4.2 Harassment

CASA staff shall not commit any act or form of harassment as it results in physical, sexual or psychological harm or suffering to individuals, especially women and children. CASA does not tolerate any form of violation such as harassment (including sexual, gender and racial harassment), bullying and discrimination, that is, any **unwelcome comment or behaviour** that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual in the workplace while relating with the communities.

Therefore, CASA Staff shall:

- Treat everyone in the community with dignity and respect in the workplace. Speak with civility and kindness, listen carefully, and consider other's wellbeing.
- Not commit any act or form of harassment as it causes physical, sexual, psychological or emotional harm or suffering to individuals, especially women, children and people with disabilities.
- Not engage in any behaviour, deliberate or otherwise, that makes the recipient feel persecuted, vulnerable and powerless.
- Understand what constitutes harassment, recognise early signs of sexual, gender and racial harassment (among others) and take swift action to prevent and resolve.
- Understand what constitutes bullying, empower staff that are affected by it, develop strategies for reducing and stopping it, and take necessary disciplinary action against those found to have committed an act or form of harassment.
- Not engage in violent, harassing or discriminatory behaviour of any kind directed toward another person in the communities with whom CASA works is unacceptable and shall not be tolerated.

4.3 Fraud and corruption

CASA has a zero-tolerance approach to fraud and corruption (see Annex 1 for definitions). CASA staff shall never take advantage of their position when working with communities, partners or other CASA stakeholders. Therefore, CASA staff shall :

- Promote a culture of honesty and openness among CASA staff and management.
- Be transparent in all work-related financial transactions.
- Not steal, misuse or misappropriate funds or property, ensuring that financial and other resources are used solely for the intended purposes. This applies also to any other income generated such as any interest received/earned on the funds.
- Not engage in “non-arms length transactions”,⁸ forgery, money laundering, taking of commissions and influencing tender process for improper benefit and theft.

⁸ The **arm's length principle** (ALP) is the condition or the fact that the parties to a transaction are independent and on an equal footing. Such a transaction is known as an "arm's-length transaction".

- Create a work environment where communities and staff can safely and confidentiality raise and report all serious concerns about suspected fraud and corruption.
- Not support knowingly any individuals or entities involved in illegal activities.
- Not destroy deliberately, falsify, alter or conceal evidence material to an investigation or make false statements to investigators in order to materially influence or impede investigations into corrupt, fraudulent, coercive or collusive allegations.
- Conduct all business in accordance with internationally accepted practices and procedures and uphold the highest standards of accountability and transparency in relations to finances, management and governance, where relevant.

4.4 Unethical business practices

CASA, as a specialised agency of the Churches in India and a network of related organisations, promotes moral and ethical business practices. Therefore CASA staff shall:

- Always follow transparent, accountable and honest practices when receiving cash donations from the public earmarked for humanitarian or development purposes.
- Not use or accept a bribe in the form of money, goods and or services to secure a contract for services when dealing with suppliers in any development or humanitarian work
- Not take part in activities that generate personal, organisational or collective profit such as buying or selling when such activities may affect or appear to affect CASA's credibility or integrity
- Not share in the profits or budget leftovers as kick backs, cuts or discounts for personal or organizational benefits
- Declare any known or potential conflicts of interest to their employer (e.g. direct relationship with service providers or suppliers of goods for CASA programmes, etc.)
- Not accept any gifts or other favours that may influence the performance of staff functions or duties. Gifts are defined as, but not limited to: services, travel, entertainment, material goods, among others. In order to respect local traditions, social and conventional hospitality can be accepted.
- Not use illegal labour, child labour and forced labour in any work area
- Pay compulsory State taxes and comply with national business law and international standards.
- Strive for the highest health, safety and environmental standards in all programme work
- Ensure, where possible, that goods purchased are produced and delivered under conditions that do not involve the abuse or exploitation of any persons and have the least negative impact on the environment.
- Never use or distribute known unsafe products or supplies in any development or humanitarian setting.

4.5 Security breaches

CASA places the security and safety of all staff and those with whom we work as a top priority and will strive to do all that it reasonably can to ensure that staff are secure as they go about their work. Security is an individual as well as an organisational responsibility, therefore CASA staff shall:

- Adhere to the CASA security principles and guidelines⁹ or her/his own organizational security policy and procedures¹⁰
- Not use or possess weapons or ammunition of any kind while on duty¹¹
- Not drive a vehicle while on duty under the influence of alcohol or any illegal substance and comply with the laws of the land.
- Not report to duty in work under the influence of alcohol.

5. Complaints and Disciplinary Procedures

Violation of this **Code of Conduct** will not be tolerated and may, in accordance with relevant legislation, lead to internal disciplinary actions, dismissal or even criminal prosecution.

CASA has a responsibility to handle and respond to any allegations of misconduct it receives from their stakeholders about their employees in line with their organisational policies and related disciplinary measures. Management of CASA and that of the partner organisations should establish proper systems for investigating, recording and dealing with misconduct. A Redressal mechanism should be in place where complaints are investigated promptly, while maintaining discretion and confidentiality and protecting the rights of all individuals involved. Breaches of the **Code of Conduct** should be reported immediately to senior management of CASA under complaints handling procedures.

Those who wish to lodge a complaint about an alleged breach of the Code by a CASA staff should lodge their complaint to her/his line manager (or designated complaints focal point) as soon as possible after s/he becomes aware of the concern.

Any CASA staff person purposely making false accusations on any action by another CASA staff which is in breach of the **Code of Conduct** will be subject to disciplinary action at the discretion of the employer.

6. Understanding the Code

The signatory (CASA staff) below has read, understood and is in agreement with the content of this document. The CASA **Code of Conduct**, which shall be subject to periodic revision and review. The signatory accepts the consequences of any violation of any of the above provisions under this Code of Conduct. **This agreement comes into effect from 1st May 2011**

⁹ For guidance, please refer to CASA Safety & Security Principles & the Handbook,

¹⁰ Whichever policy provides the highest form of protection for staff

¹¹ In exceptional cases of high insecurity, CASA partners may contract external security services that are armed. It is expected however that regular CASA house guards with individual CASA contracts are unarmed CASA personnel.



Name:

Position:

Date:

Signature:

Place:

Annex 1: Key terms and definitions

Abuse of power: Abuse of power includes any abusive behaviour (physical, psychological, sexual or emotional) by a person in a position of authority and trust against someone in a position of vulnerability and/or dependency.

Bullying is aggression expressed psychologically and emotionally rather than physically. The term is used to describe a repeated pattern of negative intrusive violational behaviour against one or more targets and comprises constant trivial fault-finding criticism, refusal to value and acknowledge, undermining, discrediting and a host of other behaviours.¹²

Complainant: The person making the complaint, including the alleged survivor of the sexual exploitation and abuse or another person who becomes aware of the wrongdoing.

Discrimination: Discrimination means exclusion of, treatment of, or action against an individual based on social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

Corruption is the “offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person”

Fraud is an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization’s financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit. Fraud is a criminal deception or the use of false representations to gain an unjust advantage.

Harassment: Harassment means any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual. Harassment can be **committed by or against** any member of the community with whom we work, partners, employee, vendor or other individual visiting or doing business with an agency.

Minor: A person under age 18 (a child according to the definition in the Convention for the Rights of the Child, CRC).

Gender based violence (GBV): “Any harm that is perpetrated against a person's will; that has a negative impact on the physical or psychological health, development, and identity of the person; and that is the result of gendered power inequities that exploit distinctions between males and females, among males and among females. Although not exclusive to women and girls, GBV principally affects them across all cultures. Violence may be physical, sexual, psychological, economic, or sociocultural.”¹³ Gender-based violence may manifest in numerous ways: domestic violence, battering, rape and marital rape, female genital mutilation, torture, trafficking, and forced prostitution, dowry-related violence, marriage and in certain cases, violence perpetrated or condoned by the state.

¹² Adapted from <http://www.bullyonline.org/workbully/mobbing.htm> - website of the National UK Workplace bullying advice line

¹³ Ward, Jeanne. (2002). *If Not Now, When? Addressing Gender-Based Violence in Refugee, Internally Displaced and Post-Conflict Settings*. New York: The Reproductive Health in Conflict Consortium.

Sexual abuse: Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions;

Sexual exploitation: Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (UN SG Bulletin, 9 October 2003). In these situations, the potential victim believes she/he has no other choice than to comply; this is not consent and it is exploitation. Some examples include, but are not limited to:

- Humanitarian/development worker demanding (or accepting) sex in exchange for material assistance, favours, or privileges.
 - Teacher insisting on (or accepting) sex in exchange for passing grade or admission to class.
 - Refugee leader demanding (or accepting) sex in exchange for favours or privileges.
 - Security worker insisting on (or accepting) sex in exchange for safe passage.
 - Driver demanding (or accepting) sex to give a female person a seat in the vehicle.

Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, etc.

Sexual harassment: Sexual harassment means any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work. Sexual harassment may be directed at partners of the same or opposite sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.

Subject of the complaint (SOC): The person alleged to have perpetrated the misconduct in the complaint (BSO/HAP)

Survivor or victim – the person who is, or has been, sexually exploited or abused. This term implies strength, resilience and the capacity to survive (BSO/HAP).

Protection: Ensuring that individual basic human rights, welfare and physical security are recognised, safeguarded and protected in accordance with international standards.

Workplace violence: Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. These behaviors would originate from customers, co-workers at any level of the organization. This definition would include all forms of harassment, bullying, intimidation, physical threats/assaults, robbery and other intrusive behaviors (ILO).

(Substantially adapted from the ACT Alliance Code of Conduct)