

ANTI-CORRUPTION, ANTI-FRAUD, AND ANTI-BRIBERY POLICY

Last revised: *19th January 2020*

The purpose of this policy is designed to ensure that all incidences of corruption, fraud and bribery are identified and addressed in an appropriate and timely manner.

OBJECTIVES

The objectives of this policy are to:

Provide clear definitions of what we mean by corruption, fraud, and bribery. It is also a definitive statement to everyone associated with RainShine USA / Australia - making clear that we will not tolerate fraudulent or corrupt activities, and the giving or receiving of bribes.

SCOPE

This policy applies to all RainShine representatives and partners across all workplaces we operate in and all activities we undertake. Including, but not limited to, employees, consultants, interns, volunteers, contractors, partners, Board members and any other person associated or working under contract, or by agreement with RainShine USA/Australia in any capacity.

Compliance with this policy is mandatory.

WHAT IS FRAUD?

Fraud is used to describe a range of illegal activities. These include, but are not limited to, deception, forgery, theft, the false reporting or concealment of material facts, collusion and corruption (including bribery) and undeclared conflicts of interest

Examples of fraud other than bribery, include, but are not limited to:

- Theft of money, property or assets
- Inappropriate use of company assets
- Submitting false expense claims
- Forging, tampering with or falsely creating documents or records
- Destroying or removing documents or records
- Knowingly creating or distributing false financial information or reports
- Engaging in bribery or corruption
- Deliberately ignoring or acquiescing in fraudulent activity.

WHAT IS BRIBERY & CORRUPTION?

Bribery and corruption have a range of definitions in law. The following is a plain language guide:

Bribery: The offering, promising, giving, accepting or soliciting of money, gifts or other advantages in exchange for doing something illegal or breaching an employer's trust. **Corruption:** The abuse of entrusted power or influence for private gain.

The following are some examples of attempted bribery:

- A potential supplier offers money or a gift to influence a procurement/tender process.
- A job applicant offers payment or a gift to increase his/her chances of being hired.
- A gift (e.g. excessive hospitality) offered to a local official in return for approving a proposal.
- A potential or actual beneficiary offers a payment in return for allowing him/her or their family to be given aid to which they are not entitled.

What is a Facilitation Payment?

- A government official asks for a payment to secure an NGO registration.
- A customs official asks for an unofficial payment or gift to release goods.

Facilitation payments, which are usually a bribe in the form of a small, unofficial payment. It is made to secure or expedite the performance of a routine or necessary action to which the person making the payment has legal or other entitlement, e.g. an unofficial payment made to a border guard/officer in return for a speedier crossing.

Kickbacks? Kickbacks are typically payments made in return for a business favour or advantage.

Payments under Duress? Payments made under duress are in response to demands accompanied by threats to life, limb or liberty.

What are Gifts and Hospitality? These can range from small gifts or promotional materials (such as diaries and pens) to expensive hospitality (such as a holiday). Extravagant gifts and hospitality may be thinly-veiled bribes intended to induce improper behaviour.

POLICY STATEMENT

Corruption, fraud, or bribery in any form will not be tolerated by RainShine USA/Australia. Where criminality occurs the loss is not just to Rainshine but, much more importantly, to RainShine's beneficiaries who are some of the poorest and vulnerable people in the world.

It may also have a major impact on RainShine's reputation and, as a consequence, donor confidence in RainShine. This, again, ultimately impacts upon our beneficiaries.

RainShine will conduct, manage, and monitor all aspects of our work in a way that reduces and hopefully eliminates opportunities for fraudulent or corrupt activity, including the giving or accepting of bribes.

FACILITATION PAYMENTS AND 'KICKBACKS'

All RainShine employees, contractors, Board members, partners, and volunteers must avoid any activity that might lead to a facilitation payment being made or accepted by or on behalf of RainShine. RainShine prohibits the making or accepting of facilitation payments and 'kickbacks'.

If someone suspects a payment request to be solely for the purposes of facilitation, they should ask that a detailed receipt be provided. If there appears to be no legitimate reason for a request for payment, it should be explained that RainShine does not make or accept facilitation payments.

If a RainShine employee or volunteers feels it is safe and appropriate to do so, they should ask to speak to the supervisor of the person requesting the payment. If a receipt can be provided and the RainShine representative does not suspect the payment is for the purposes of facilitation, a payment will be allowable.

PAYMENTS UNDER DURESS

It is permissible for a payment to be made in the rare and exceptional circumstances where it is believed necessary to protect against loss of life, limb or liberty (except in the case of lawful detention). If possible, the circumstances and proposed payment should be discussed in advance with a program/project manager and in all such cases the incident must be reported to the RainShine Board.

GIFTS AND HOSPITALITY

The giving or receiving of gifts (other than those deemed to be small promotional items) by or on behalf of RainShine is not permitted under any circumstances. RainShine representatives and Board members must exercise great caution when offering or accepting hospitality and entertainment.

They must be certain that what is being offered is not designed to gain improper benefit or does not otherwise amount to bribery or corruption. The providing or accepting of hospitality or entertainment is allowed, as long as:

- It is not done with the intention of influencing the behaviour of the recipient;
- It is done openly;
- It complies with local law.

RESPONSIBILITIES

RainShine Board members, managers, employees, volunteers, and partners at every level are responsible for protecting RainShine and the communities we serve from the impact of fraud, bribery and corruption by always acting in accordance with this policy.

It is incumbent upon RainShine representatives to set an example by complying fully with RainShine's policies, procedures and controls. Managers are responsible for ensuring that employees and volunteers are trained and fully understand the RainShine's Anti-Corruption, Anti-Fraud, and Anti-Bribery Policy, and the consequences of non-compliance.

Managers must be familiar with and alert to the types of fraud that might occur in their area(s) of responsibility. In particular they must:

- Ensure that this policy and all RainShine's systems, financial controls and procedures are fully understood by employees, volunteers and partners;
- Frequently check that these are being fully observed and implemented;
- Regularly review and, where necessary, update control and procedures.

It is the responsibility of every RainShine employee, contractor, volunteer, and partner to carry out their work and conduct themselves at all times in such a way as to prevent fraud, bribery and corruption. All RainShine representatives must be alert to and report any actual or suspected instances of fraud, bribery and/or corruption.

REPORTING AND INVESTIGATION

If someone connected to RainShine is offered or asked to pay a bribe, they must refuse and explain that bribery runs totally counter to RainShine policies. If someone suspects that fraud, bribery or corruption is, has, or is likely to take place, they must at the earliest opportunity report the matter to the program/project manager and/or the RainShine Board of USA and/or Australia.

Failure on the part of a RainShine representatives to report suspicions of corruption or fraud may lead to disciplinary procedures being instigated, up to and including dismissal and/or legal proceedings. If an employee, volunteer, or partner knowingly lodges a false report, this will be regarded as a serious disciplinary offence and dealt with accordingly.

RainShine's Board of Directors and managers will communicate this policy annually to all employees, volunteers, contractors and partners.

AUTHORISATION

I, (insert name) acknowledge that I have read, understand and agree to comply with RainShine USA/Australia's Anti-Corruption, Anti-Fraud, and Anti-bribery Policy.

I understand and agree that it is my responsibility, as a person employed/engaged by RainShine USA / Australia, to use common sense and avoid actions that can lead to corruption, fraud, or bribery.

I understand and agree that a breach of the Policy may provide grounds for my employment /engagement with RainShine USA / Australia to be terminated.

I also understand that a breach of the Policy could result in criminal prosecution. I authorise RainShine USA / Australia to undertake any necessary inquiries, including criminal record checks and reference checks, as part of my recruitment or employment process.

Name:

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Position:

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Signed:

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Date: