

Code of Conduct

For the prevention of misconduct, fraud, corruption, sexual exploitation and abuse and harassment, security breaches, unethical business practices and other abuses of power by Act for Peace staff or any other associated personnel.

January 2024

Board Ratification Dates	May, 2020	2010, 2017, 2019 (main re-adoption dates only)
Reaffirmation Dates		
Revision Dates	January 2024	Update to review date as per the approved Policy Review and Reporting Schedule Nov 2023. General and consistency formatting
	February 2022	Minor edits to clarify align with IASC PSEA guidelines (2019) – no change to intent of policy. Updated reference links and revised reporting lines in table 1
	May 2020	Revised in response the amendments to the ACFID Code of Conduct and our PSEAH Policy.
	March 2020	Updated in response to DFAT’s revised Child Protection Policy, and ACFID Code of Conduct amendments. PSEAH provisions were also updated, reflecting DFAT and AfP’s new stand-alone PSEAH Policy.
	Feb 2017	
Date of Next Review	May 2025	Every five years or earlier if required

1. Policy Statement

Act for Peace is committed to upholding the highest degree of ethical conduct among our staff (permanent, casual, and temporary) and associated personnel (Act for Peace Board members, contractors, volunteers, and representatives) to ensure the safety, dignity, and rights of communities we work with, our staff and associated personnel, and partner's staff, and all those we come into contact with.

This Code of Conduct represents Act for Peace's overall organisational commitment to ensuring that sexual exploitation and abuse, all forms of harassment, fraud and corruption, security breaches, unethical business practices and other abuses of power do not occur.

The prevention of and response to abuse are essential if we are to achieve desired outcomes in our work. As such we commit to maintaining a culture where prevention and response are prioritised and are understood to be the responsibility of all.

This policy sets out the behaviour expected of staff and associated personnel and confirms behaviour that is subject to disciplinary measures.

The Code of Conduct is one of four mandatory code of conduct policies within Act for Peace, the others being our Code of Good Practice, our Child Protection Policy and our Prevention of Sexual Exploitation, Abuse and Harassment Policy.

2. Objective

The Act for Peace Code of Conduct outlines the responsibilities of Act for Peace staff and associated personnel and is designed to assist all to better understand the obligations placed upon their conduct and to prevent sexual exploitation and abuse, all forms of harassment, fraud and corruption, security breaches, unethical business practices as well as other abuses of power.

This Code of Conduct will promote greater accountability among and between the staff of our partners and members of the ACT Alliance and the people with whom we work in our humanitarian and development programmes and serve as a guide for Act for Peace and partner staff and associated personnel to make ethical decisions in their professional and private lives.

3. Scope and Purpose

The Act for Peace Code of Conduct applies to all Act for Peace staff and associated personnel and is binding on those persons when in Australia and overseas.

The Act for Peace Code of Conduct is the overarching policy for all Act for Peace policies and procedures.

It is compulsory for Act for Peace staff and associated personnel to sign a declaration to certify that they have read, understood and agree to abide by this Code of Conduct (along with the Act for Peace Child Protection Policy and Policy on the Prevention of Sexual Exploitation, Abuse and Harassment) and that they accept the consequences, up to and including termination,¹ of any violation of the provisions contained in accordance with Act for Peace disciplinary policies and procedures.

Act for Peace staff and other personnel should promote both the spirit and principles of the Code of Conduct among partner organisations and monitor partner efforts to ensure compliance.

¹ Refer to Operations Manual for details of disciplinary action.

The management of Act for Peace partner organisations hold the responsibility to ensure that their staff understand and comply with the Code of Conduct.²

4. Principles and Standards

Act for Peace recognises its responsibilities as a recipient of DFAT funding and having a Head Agreement with DFAT, and our obligations to mitigate fraud, corruption, and abuse of power. The Act for Peace Code of Conduct has been reviewed to ensure compliance with the ACFID Code of Conduct (as at 2019), the ACT Alliance Code of Conduct (October 2016) and policies, the Commonwealth Fraud Control Framework (2014), the UN Secretary General’s Bulletin of 2003 (PSEA) and DFAT’s PSEAH Policy (2019).

5. Code of Conduct Provisions for Staff and Associated Personnel

In preventing sexual exploitation and abuse, all forms of harassment, fraud and corruption, security breaches, unethical business practices and other abuses of power, it is expected that all Act for Peace staff and associated personnel shall at all times:

- Respect and promote human rights and fundamental freedoms without discrimination.
- Treat all communities with whom Act for Peace works (including but not limited to crisis-affected populations, internally displaced people, refugees, and host communities), fairly and with respect, courtesy, dignity and according to international laws and standards.
- Uphold the highest standards of accountability, efficiency, competence, integrity, and transparency in the provision of goods and services in the execution of their job.
- Promote the implementation of the Act for Peace Code of Conduct by contributing towards the creation and maintenance of an environment that prevents sexual exploitation and abuse, all forms of harassment, fraud and corruption, security breaches, unethical business practices and other abuses of power.
- Understand that not acting to maintain an environment of prevention and failing to report or investigate concerns is considered negligent and is not acceptable.
- Be protected by Act for Peace’s commitment to provide a safe environment through which they can voice a concern, without fear of reprisal or unfair treatment as articulated in the Act for Peace Complaints Policy.
- Report any knowledge, concerns, or suspicions of breaches of the Code to her/his line manager and/or senior management using the procedures established by our complaint’s mechanisms and according to the reporting requirements in Table 1.

Table 1: Reporting Schedule

Incident type	Time Frame to Report to Act for Peace ³	Report to External Body
Child Protection	Report within 24 hours of suspicion or allegation of child protection issue to CS Focal Point, or HO or, CEO	DFAT within 24 hours Law enforcement agencies as required
Sexual exploitation, abuse, or harassment	Report within 24 hours of becoming aware of an allegation or incident to HOO or CEO	DFAT within 2 working days for incident and 5 working days for policy non-compliance. Law enforcement agencies as required

² AfP partner staff are bound by the same provisions within this policy as they form a mandatory clause within AfP Partnership and Grant Agreements.

³ Note that the CEO reports breaches to the Chair of the Board and the Chair of the Finance, Audit and Risk Management Committee.

Fraudulent Activity	Report within 24 hours of detection to HOO or CEO	DFAT within 5 working days. Law enforcement agencies as required
Conflict of Interest	Report within 24 hours of detection to HOO or CEO	Donor if required by contracts
Privacy Breach	Report within 24 hours of detection to HOO or CEO	Donor if relevant to Donor contracts
Suspected Terrorist Activity	Report within 24 hours of suspicion or allegation of activity to Counter Terrorism Focal Point or HOO or CEO	DFAT within 24 hours Australian Federal Polices as required

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

(a) Risk Management

Act for Peace recognises that there are a number of potential risks associated with our work in general, and specifically with our support for overseas programs. In recognising these risks staff and associated personnel will proactively assess and manage risks that may lead to a breach of the Code of Conduct.

- All Act for Peace staff and associated personnel will sign and comply with the Code of Conduct.
- All partners receiving funding from Act for Peace will sign a Partnership Agreement which outlines their responsibilities.⁴ The management in each Act for Peace partner organisation or associated ACT member should establish appropriate systems for investigating, recording, and dealing with misconduct. A complaints policy and mechanism should be in place where complaints are investigated promptly, while maintaining discretion and confidentiality and protecting the rights of all individuals involved. Act for Peace Partner Focal Points will monitor compliance and progress towards compliance.

(b) Sexual Exploitation and Abuse

Sexual exploitation and abuse (SEA) is a form of Gender-Based Violence. Act for Peace recognises that SEA can occur in any development or humanitarian setting. In humanitarian crises, creates an additional ethical responsibility and duty of care on the part of all Act for Peace staff and associated personnel.

Act for Peace promotes the integration of a gender-sensitive perspective into efforts to effectively prevent and respond to sexual abuse and exploitation (SEA).

To protect Act for Peace stakeholders in all situations, Act for Peace staff and associated personnel shall while on duty and off duty:

- Understand that SEA constitutes acts of gross misconduct and are therefore may be grounds for termination of employment⁵
- 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 is prohibited. Mistaken belief in the age of a child is not a defence (see Act for Peace Child Protection Policy)

⁴ In the event that a partnership Agreement is not the preferred means of formalising a working relationship, another framework (such as an MOU) may be used but these documents require the same standards of compliance with our Code of Conduct.

⁵ In countries where it is a legal obligation to report allegations of child abuse or sexual assault to the national police, the AfP management should take into consideration whether, how and when to inform national authorities. The survivor's view shall be sought, as people who report abuse may be at risk from the police in some countries.

- Never exploit the vulnerability of any target group, 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 any form of assistance, or give preferential treatment; in order to solicit sexual favours, gifts, payments of any kind, or advantage
- Act for Peace staff and associated personnel are prohibited from fraternising with partner staff and community members and any sexual relationships with beneficiaries is prohibited as such relationships undermine the credibility and integrity of humanitarian aid work.
- In countries where Act for Peace staff and associated personnel undertake long-term work, an employee who engages in a long-term consensual sexual relationship with a member of the community which is benefiting from an Act for Peace programme, and/or with another employee or employee of our partner, is required to inform his or her manager about the relationship to prevent the perception of a conflict of interest.
- Any suspicion of breaches of the code should be reported according to Table 1 above.

(c) Harassment

Act for Peace does not tolerate its staff and associated personnel committing any form of harassment that results in physical, sexual, or psychological harm or suffering to individuals, especially women and children. Act for Peace does not tolerate any form of workplace 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.

Therefore, all Act for Peace staff and associated personnel shall:

- Treat everyone with dignity and respect. Speak with civility and kindness, listen carefully, and consider others' wellbeing;⁶
- Understand what constitutes harassment, recognise early signs of sexual, gender and racial harassment (among others) and take swift action to prevent and resolve.
- Never commit any form of harassment that causes physical, sexual, psychological, or emotional harm or suffering to individuals.
- Never engage in any behaviour, deliberate or otherwise, that makes the recipient feel humiliated, persecuted, vulnerable and powerless.
- 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 any form of harassment.
- Agree violent, harassing, or discriminatory behaviour of any kind directed toward another person in the workplace or in affected communities is unacceptable and shall not be tolerated.

(d) Fraud and Corruption

Fraud involves dishonestly obtaining a benefit or causing a loss by deception or other means. Examples of fraud include:

- Misappropriation of funds
- Altering documents
- Falsifying signatures
- Misuse of Commonwealth assets
- Providing false information to the Commonwealth
- Unauthorised disclosure of confidential information

⁶ This includes communities with whom AFP works.

- Theft of aid program funds or assets.⁷

Fraud is a criminal offence (under Chapter 7 of the Commonwealth Criminal Code Act 1995⁸). Act for Peace has a zero-tolerance approach to fraud and corruption. Act for Peace staff shall never take advantage of their position when working with communities, partners or other AfP stakeholders.

Therefore, Act for Peace staff and associated personnel shall at all times:

- Promote a culture of honesty and openness among Act for Peace staff and associated personnel.
- Be transparent in all work-related financial transactions.
- Avoid stealing, misuse or misappropriate funds or property, and ensure that financial and other resources are used solely for the intended purposes. This applies additionally to any other income generated such as any interest received/earned on funds.
- Avoid engaging in 'non-arm's length transactions',⁹ document or cheque forgery, money laundering, taking of commissions and influencing tender process for improper benefit or theft.
- Avoid knowingly supporting individuals or entities involved in illegal activities.
- Avoid deliberately destroying, falsifying, altering or concealing 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 relation to finances, management, and governance, where relevant.
- Report any detected, suspected or attempted fraudulent activity according to Table 1.
- Avoid disbursing donated funds or resources to a third party (including affiliates or partner agencies) for humanitarian aid and development activities unless satisfied that:
 - a. The activity is consistent with Act for Peace's strategy, objects, purpose, and values.
 - b. Act for Peace has the capacity to apply the funds or resources in accordance with the promise to the donor, with this Code, with the signatory organisation's strategy, objects, and purpose and with the specific instructions of the signatory organisation.
 - c. The funds or resources will be disbursed in accordance with relevant laws including taxation, counter terrorism financing and anti-money laundering legislation; and
 - d. Appropriate control and risk management mechanisms are in place to mitigate the risk of misappropriation or improper use of the funds or resources once disbursed.
- Create a work environment where communities and staff can safely and confidentially raise and report all serious concerns about suspected fraud and corruption.

(e) Unethical Business Practices

Act for Peace promotes moral and ethical business practices. Therefore, all Act for Peace staff and associated personnel shall:

- Always follow transparent, accountable, and honest practices when receiving cash donations from the public earmarked for humanitarian or development purposes.
- Never 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 both in Australia and overseas.
- Never 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 Act for Peace's credibility or integrity.

⁷ DFAT, Fraud Toolkit, <https://www.dfat.gov.au/about-us/publications/Pages/fraud-control-toolkit-for-funding-recipients>

⁸ [Criminal Code Act 1995 \(legislation.gov.au\)](https://www.legislation.gov.au/idx/instruments/c1995-0001)

⁹ 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".

- Never share in the profits or budget leftovers as kickbacks, cuts, or discounts for personal or organizational benefits.
- Disclose any material gifts or offers of gifts given for their personal use to their line manager. This policy prohibits staff and associated personnel from accepting valuable gifts. Gifts are defined as, but not limited to, services, travel, entertainment, material goods, favours, among others. In order to respect national and local traditions and conventional hospitality minor token gifts such as pens, calendars, desk diaries, traditional items with low monetary value (such a woven cloths, baskets), memorial plaques etc. can be accepted.
- Never use illegal labour child labour and forced labour in any work area.
- Always pay government taxes, comply with national business law and international standards.
- Always 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 setting.

(f) Conflict of Interest¹⁰

Act for Peace requires:

- Staff and associated personnel to disclose to their line manager any real or perceived conflict of interest or any affiliation they have with an actual or potential supplier of goods and services, recipient of grant funds or organisation with competing or conflicting objectives¹¹;
- Staff and associated personnel to absent themselves from discussion, as appropriate, and abstain from voting or otherwise participating in the decision making on any issue in which they have a conflict of interest.

(g) Non-discrimination¹²

- Act for Peace staff and associated personnel will actively promote human rights and avoid discrimination¹³ in a way that supports the organisation's identity, philosophy and values and meets the statutory obligations of any anti-discrimination legislation.
- Act for Peace staff and associated personnel will adhere to gender equity policies and disability guidelines in place that aim to produce equitable outcomes between women and men and people with a disability in all activities of the organisation, including:
 - a. Engagement of staff and associated personnel.
 - b. Engagement of partner agencies.
 - c. Management and governance and
 - d. Engagement of contractors

(h) Security Breaches

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

- Adhere to the Act for Peace Travel Safety Policy, Travel Terms of Reference and Staff Safety and Security Manual.

¹⁰ ACFID Code of Conduct <https://acfid.asn.au/content/read-code>

¹¹ ACT Code of Conduct <http://actalliance.org/documents/act-alliance-code-of-conduct/>

¹² ACFID Code of Conduct

¹³ As defined by the ACFID Code of Conduct and the Act for Peace Workplace Discrimination, Bullying and Harassment Policy

- Never use or possess weapons or ammunition of any kind while on duty.

7. Act for Peace 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 and or criminal prosecution.

Complaints, handling of complaints, investigation of complaints and disciplinary measures will be handled under Act for Peace's Staff Grievance, Whistleblower or Complaints Policy and the related procedures. Act for Peace staff and associated personnel hold responsibility to handle and respond to any allegations of misconduct they receive from their stakeholders about Act for Peace staff or associated personnel in line with their organisational policies and related disciplinary measures.

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

Any Act for Peace staff member or associated personnel purposely making false accusations on any action by another Act for Peace staff member or personnel which is in breach of the Code of Conduct will be subject to disciplinary action at the discretion of the employer.

Annex 1: Glossary

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.

Act for Peace: The international humanitarian agency of the NCCA.

Bullying is aggression expressed psychologically and emotionally rather than physically. The term is used to describe a repeated pattern of negative intrusive volitional 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.¹⁴

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.

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

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.

Duty of Care: Duty of Care is a common law concept that refers to the responsibility of the organisation and individual to provide children with an adequate level of protection against harm. It is the duty of the organisation and its individuals to protect children from all reasonably foreseeable risk of or real injury.

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

¹⁴ Adapted from <http://www.bullyonline.org/workbully/mobbing.htm> - website of the National UK Workplace bullying advice line.

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.

Gender based violence: “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”.¹⁵ 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.

Neglect: Neglect is the persistent failure or the deliberate denial of basic necessities or access to them such as clean water, food, shelter, sanitation or supervision or care to the extent that the child’s health and development are placed at risk.

Others: Within reference to this policy ‘others’ include volunteers in Australia, and volunteers, trustees, and partners overseas.

Partner: For the purposes of this policy, Partner refers to any organisation or person that the NCCA partners with to deliver program services. Act for Peace partners are formally engaged through the signing of a Partnership Agreement.

Physical abuse: Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take any form of physical treatment including but not limited to slapping, punching, shaking, kicking, burning, shoving, or grabbing. The injury may take any form including but not limited to bruises, cuts, burns, or fractures.

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

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent¹⁶ is considered to be sexual abuse.

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. 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.¹⁷

¹⁵ 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.

¹⁶ Refers to age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greatest age.

¹⁷ ACT Code of Conduct for the Prevention of Sexual Exploitation and Abuse, Corruption and Fraud and Abuse of Power.

Sexual harassment:

A person sexually harasses another person if the person makes an unwelcome sexual advance, an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated, or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical, or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and others.

Some examples of behaviour that may be sexual harassment include:

- staring or leering.
- unnecessary familiarity, such as unwelcome affection, touching, fondling including brushing up against someone.
- Offensive hand or body gestures.
- Sexually suggestive comments or jokes.
- insults or taunts of a sexual nature.
- intrusive questions or statements about a person's private life or the way they look.
- displaying posters magazines or screen savers of a sexual nature.
- sending sexually explicit posts on social media sites, emails, or text messages.
- inappropriate advances on social networking sites.
- displaying offensive screen savers, photos, calendars, or objects
- accessing sexually explicit internet sites.
- requests for sex or repeated unwanted requests to go out on dates; and
- behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Staff and Associated Personnel: refers to all Act for Peace staff, volunteers, contractors, Board members, representatives, those representing Act for Peace or participating in Act for Peace-organised project visits.

Staff: Staff refers to those employed by Act for Peace or contracted for work full time, part time, or casual persons working in Australia or overseas.

Survivor or victim: A person who is, or has been, sexually exploited, harassed, or abused. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience, and the capacity to survive, however it is the individual's choice how they wish to identify themselves.

Workplace violence: Any incident, in which a person is abused, threatened, or assaulted in circumstances relating to their work. These behaviours 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 behaviours (ILO).