

Anti Fraud, Anti Corruption and Anti Bribery Policy

1 Introduction

APWLD is committed to maintaining the highest ethical standards in the conduct of its organisational operations, in a manner that ensures prohibition and prevention of any forms of corruption, fraud and bribery. APWLD has zero tolerance for fraud, corruption and bribery at all levels in the organisation. This Policy aims to complement other policies and procedures¹ that APWLD already has in place to reduce the likelihood of fraud, corruption or bribery occurring, amongst others:

This document describes APWLD's policy prohibiting and preventing fraud, corruption and bribery within the organisation. This Policy applies to all individuals working at/with APWLD, including employees, members, prospective and existing (sub-grant) partners, consultants, service providers, and job applicants.

Questions about the Policy or its applicability to particular circumstances should be directed to APWLD's Finance and Administrative Manager and Human Resources Manager.

2. Definitions

- a. **Fraud** is a civil or criminal deception, which can be broadly defined as an intentional act of deceit to obtain an unjust/illegal advantage. It involves the act of deceit of the organisation in order to obtain personal or collective advantage, unfair or unlawful financial benefit by misappropriation of assets, collusion, false representation, prejudicing someone's rights, abuse of position and/or obtaining services dishonestly, and avoid an obligation or cause loss. For the purpose of the policy, fraud shall include but is not limited to:
 - Theft or misappropriation of assets, including digital assets, owned or managed by APWLD;
 - Submitting false claims for payments or reimbursement;
 - Blackmail or extortion;
 - 'Off the books' accounting, or making false or fictitious entries;
 - Knowingly creating and/or distributing false or misleading financial reports;
 - Paying of excessive prices or fees where justification thereof is not documented;
 - Violation of APWLD's procedures with the aim of personal gain or to the detriment of APWLD;
 - Manipulating internal systems, misrepresenting information, or exploiting vulnerabilities in online and other purchase processes including manipulating data, making unauthorised purchases, or diverting resources, all aimed at personal gain while concealing the actions from management;
 - Willful negligence intended to cause damage to the (material) interest of APWLD; and

¹ These policies include among others: Whistleblowing Policy, Governance Code of Ethics, Governance Conflicts of Interests, Staff Code of Conduct, Conflict of Interest, Grievance Policy and Equity and Harassment Policy.

- A dishonourable or reckless or deliberate act against the interests of APWLD, including misappropriation of organisational and personal data in breach of the confidentiality clause.
- b. **Corruption** is the abuse of entrusted power or position to obtain a personal gain or benefit. It refers to the act of soliciting, giving, promising to give, offering, accepting or receiving gratification, directly or indirectly as well as digitally or offline, in the form of money, services, favours, discount, reward, bonus, positions or valuable goods. Corruption also includes demanding, obtaining, or agreeing to obtain any illegitimate valuables or benefits for oneself or others through inducing actions of illegitimate or to restrain from performing legitimate duties. Corruption is not restricted to monetary or material benefit but could also include intangible benefits such as status or access to information.
- c. **Bribery** can be described as: giving or receiving anything from any person (usually money, a gift, loan, reward, favour, commission or entertainment), as an improper inducement or reward for obtaining employment, money or any other benefit. Bribes can therefore include, but are not limited to:
 - Gifts over the value of 50USD, which are not declared to the Regional Coordinator as outlined in the Sections 3.5.2 (Members receiving gifts) and 6.3.(Staff receiving gifts) of APWLD Operations Manual;
 - Excessive or inappropriate entertainment, hospitality, travel and accommodation expenses;
 - Payments, whether by staff, members, partners, recruiters, service providers or consultants;
 - Commission, Soliciting Gifts, Rewards (monetary and non monetary), benefits or any incentives; and
 - Other 'favours' such as making unwanted advances, payments or promises.

3. Related Policies and Procedures

This policy should be read in conjunction with APWLD's Whistleblowing Policy, Governance Code of Ethics, Governance Conflicts of Interests, Staff Code of Conduct, Conflict of Interest, Grievance Policy and Equality and Harassment Policy.

APWLD takes any attempt to commit an act of fraud, corruption or bribery by employees, members, partners, service providers or consultants acting on behalf of APWLD to constitute a most serious offense. Employees including interns and volunteers involved in fraud of any kind will be subjected to disciplinary action within the organisation and may be reported to external authorities for criminal prosecution, if appropriate. APWLD treats an attempted act of fraud, corruption or bribery as seriously as an accomplished act.

4. Responsibilities

All APWLD employees, members, (sub-grant) partners, consultants and service providers must ensure that they read, understand and comply with this policy. The prevention, detection and reporting of fraud, corruption or bribery are the responsibility of all working with or for APWLD.

APWLD acts with due diligence in keeping financial records which will evidence the business reason for making any payments to third parties. APWLD will ensure all expense claims are submitted in accordance with the expense reimbursement policy.

5. Reporting and investigating allegations

5.1 Reporting Allegations

APWLD employees, members, (sub-grant) partners or consultants who have concerns about fraud, corruption, bribery or any other serious misconduct by the Secretariat or by an APWLD contract partner or other related entity are encouraged to bring the matter immediately to the attention of the Regional Coordinator, Finance and Administrative Manager, Human Resources Manager and the Integrity Advisors (selected representatives of Programme and Management Committee as it is outlined in Section 3.6.3 (Whistleblowing)) and may use the complaints procedures outlined in Section 6.16. (Grievance Policy).

APWLD will not tolerate any form of retaliation against individuals providing information concerning fraud, corruption, bribery or any other forms of suspected fraudulent actions. The reported case including identity of the informing individual shall be maintained in confidentiality and under no circumstances would be discussed with any unauthorised person(s).

APWLD will act expeditiously upon receiving allegations and ensure that all relevant records, documents and other evidence are protected from being tampered with, destroyed or removed by the alleged person(s). Upon receipt of the case, the reporting individual will be informed of the following:

- Not to contact the alleged individual in an effort to determine facts or demand restitution.
- Observe strict confidentiality. Not to discuss the case, facts, suspicions or allegations with anyone unless specifically asked to do so by the Regional Coordinator, Finance and Administrative Manager, Human Resources Manager and the Integrity Advisors.

5.2 Investigating Allegations

Regional Coordinator, Finance and Administrative Manager, Human Resources Manager and the Integrity Advisors will establish an Investigation Team to investigate allegations of fraud, corruption or bribery. The Investigation Team will collect evidence and take appropriate disciplinary action or legal procedures.

The Investigation Team shall make every effort to protect the rights and reputations of everyone involved in a report of suspected fraud, corruption and bribery including the individual who in good faith alleges perceived misconduct, as well as the alleged violator(s). The investigation and decision of the Investigation Team based on evidence shall be documented. Due and appropriate action depending upon the outcome of the investigation, which could include disciplinary action or closure of the matter if it is proved that fraud, corruption and bribery is not committed, shall be undertaken immediately.

If the investigation team deems the case to be grave in nature, a written report shall be submitted to the Programme and Management Committee (P&M) containing a description of the incident, including the value of any loss; the people involved; the means of

perpetrating the fraud, corruption and/or bribery; the measures taken to prevent a recurrence; and any action needed to strengthen future responses, etc. This report will represent the definitive document on which P&M will base their decision. P&M will consider whether the matter should be reported to the Police and whether they should also make a report to the Regional Council.

5.3 Time limits for Investigating Allegations

The Investigation Team will complete the investigation within seven (7) working days from the date of Investigation Team formation. If the Investigation Team is unable to complete the investigation within seven (7) days, another seven (7) working days can be added with the documentation of the reason for the extension. Under exceptional circumstances such as serious illness, bereavement, victim of crime, or unforeseen travel disruption the extension beyond 14 days is permitted.

6. Safeguard

The Investigation Team maintains the strict confidentiality of all the information received or data collected. Results of investigation shall not be disclosed to anyone other than those who have a legitimate need to know. Personal information shall be processed in a way that is fair, lawful and not incompatible with the purposes for which it was obtained. Furthermore, any information that is processed should be relevant and not excessive in relation to the purpose for which it is being shared.

Notwithstanding anything contained anywhere in this Policy, APWLD shall have the absolute authority to take disciplinary action against the informant if it is found, upon investigation, that the allegations were made by the informant in bad faith.

7. Disciplinary actions and Consequences of the Policy Breach

APWLD staff, including interns and volunteers, who violate this Policy will be subject to a range of disciplinary actions, which may lead to termination of employment. Members who violate this policy may be subject to membership termination. Sub-grant partners who violate this policy may have their agreements terminated and will not be considered for future collaboration or endorsements to donors. Consultants and service providers who violate this policy may have their contracts terminated and will not be considered for future collaboration.

Breach of the Policy and severe violations may also lead to legal penalties and prosecution following the laws of Thailand.

8. Risk Assessment

Risk assessment on fraud, corruption and bribery, including disclosure of conflict of interests, is regularly conducted to ensure effectiveness and suitability for prevention of fraudulent actions. APWLD conducts risk assessments twice a year with employees, including interns and volunteers, during the Secretariat's Annual Planning Meeting and Mid-Year Review Meeting.

Risk assessment is an effective way to improve communication about and awareness of the potential for fraud, corruption and bribery. When staff are engaged in an open discussion about fraud, corruption and bribery, the conversations themselves can play a role in

reducing vulnerability to fraudulent actions. The aim of the risk assessment is to identify and evaluate the areas of programme and operational activities that are most susceptible to fraudulent actions and to prioritise those on which APWLD should focus for prevention and mitigation.

Regional Coordinator, Finance and Administrative Manager, Human Resources Manager and the Integrity Advisors oversee the implementation of risk assessment processes.

9. Training and Communication

This Policy will be distributed to all employees, members and consultants. All APWLD employees, including interns and volunteers, and governance members will receive training/induction sessions in relation to this Policy. APWLD will provide regular check-in sessions to employees, including interns and volunteers, on this Policy and its implementation. In addition, all employees, including interns and volunteers, will be asked to formally accept conformance to this Policy on an annual basis.

APWLD's zero-tolerance approach to fraud, corruption and bribery will be communicated to all prospective and existing (sub-grant) partners, service providers, job applicants and relevant third parties (e.g. programme participants) at the outset of our relationship with them and as appropriate thereafter.

10. Review and revision

This Policy will be reviewed every five (5) years and/or earlier if any improvements are identified to be made as soon as possible.