

THE TRANSPARENCY INTERNATIONAL SECRETARIAT (TI-S) INTEGRITY SYSTEM

Frequently Asked Questions (FAQs)

WHAT IS THE INTEGRITY SYSTEM?

Organizations and their members show integrity by always discharging the legitimate powers and functions with which they have been entrusted, in accordance with that trust – especially with honesty, fairness, transparency, and diligence.

To support and ensure this, Transparency International has overhauled the ethics infrastructure of the TI Secretariat (TI-S) to create an improved Integrity System, with two components:

- 1) a **Moral Learning Process**, helping ensure all decisions and actions are taken with integrity, and
- 2) a **Compliance Practice**, to ensure wrongful actions and decisions are prevented, and when they occur they are properly dealt with, i.e. violations of integrity as defined by the TI-S *Code of Conduct* and the legislation to which the *Code* refers.

WHAT IS THE MORAL LEARNING PROCESS?

Since morally wrong decisions can cause harm to individuals and damage the organization, it is necessary to ensure decision-making is based on ethically sound judgements. The foundation of the Moral Learning Process is the regular practice of moral deliberations in the Secretariat, in which teams and groups of colleagues gather to reflect on difficult decisions arising in their work and make morally right decisions in complex situations. Those decisions are documented and archived, and periodically analyzed, so that over time the historical memory on decision-making is improved and core moral issues related to the organization come into view. The first building block – training on moral judgement in all TI-S teams, management and the Board of Directors – commenced and is continuing throughout 2019. Once all staff have been trained, TI-S will be equipped for regularly organizing internal deliberations.

WHAT IS THE COMPLIANCE PRACTICE?

Compliance is rooted in the TI-S *Code of Conduct*, which explicitly defines forms of behavior that are unacceptable and therefore constitute violations that may give ground to disciplinary action. The Compliance Practice is concerned both with preventing such violations from taking place, and also with addressing reported or suspected violations carefully and with due process, including proportional punishment when confirmed to have occurred.

Measures for prevention of violations include updating and disseminating the *Code of Conduct*, implementing policies for preventing specific violations, and identifying vulnerabilities and risks in functions and processes that must be redesigned. A safe and accessible reporting system and clear processes for investigation and decision-making are essential for identifying and addressing any misconduct.

The reporting channels for integrity concerns or suspected violations are in place, and set out below. Where not already in place, guidelines and policies providing more details on the functioning of the integrity system are under development or review, including with relevant stakeholders.

WHAT ARE THE REPORTING CHANNELS OF THE INTEGRITY SYSTEM?

You can report suspected integrity violations through any of these reporting channels:

- your team manager, or any other manager including the Managing Director

- the Integrity Officer
- the External Whistleblowing Reporting Point.

You are free to raise your integrity concern through any of these channels, without having to justify your choice. Concerns or reports received through these channels are shared with the Integrity Officer, who is responsible for assessing and ensuring appropriate action, as well as for protecting, filing and safe storing and handling of the information involved. The External Whistleblowing Reporting Point also offers increased guarantees of confidentiality by protecting your identity when relaying the information to the Integrity Officer or any other part of the organization.

WHAT IS THE ROLE OF PERSONS OF TRUST?

The Persons of Trust [soon to be appointed] are not a formal reporting point in the Integrity System, but are another key entry point because they can: listen to your concern, help you to understand if it relates to an integrity violation or not, the options available to you for reporting, and the possible outcomes. They help you make an informed decision about whether and how to report your suspicion, whether as an integrity matter or under the *Grievance Policy* (please note that the formal complaint procedure is not initiated by reaching out to the Persons of Trust, but only by your decision to report to one of the mentioned reporting channels). Similar to the former TI-S Ethics Body, the Persons of Trust may also give solicited or unsolicited advice on integrity matters to the Managing Director or others in the organization, or to the Board Ethics Committee.

Nominations are soon to be opened for staff willing and able to serve in these roles. Persons of Trust must include at least one male and one female colleague, have the trust of their colleagues at all levels, and can be from any level of seniority – but to ensure availability and accessibility to everyone in the organization, they will not usually be senior managers or elected staff representatives, who have their own roles. Candidates for Persons of Trust can self-identify or be nominated by colleagues, and all staff will be consulted on the nominees, prior to the Integrity Officer's recommendation for pre-selection of two Persons of Trust and two back-ups for training. After successful completion of training, these persons (including the back-ups) will be officially appointed by the Managing Director for a period of 2 years.

WHY WAS THE ETHICS BODY REPLACED WITH THE NEW INTEGRITY SYSTEM?

The former TI-S Ethics Body consisted of one honorary, part-time role (Ethics Advisor) and a number of elected Ethics Counsellors. In 2018 an independent review of the ethics framework and relevant policies recommended an improved Integrity System with three reporting channels and a full-time professional Integrity Officer. The Board accepted the recommendations of the review in September 2018. The new Integrity System, which aims to be best practice in the field, is expected to overcome many limitations of the previous system identified by the former Ethics Body and the independent review.

IS THE INTEGRITY OFFICER INDEPENDENT?

The Integrity Officer is a staff member, and in that sense reports to the Managing Director, who has overall responsibility for integrity in TI-S. However, due to the nature of the function, the Integrity Officer enjoys a high level of independence by virtue of open and direct access to the Board of Directors, and in particular the Board Ethics Committee, which has ongoing oversight of the entire Integrity System. In any situations where the Integrity Officer and Managing Director disagree, the Integrity Officer faces undue pressure or other concerns arise, the Integrity Officer has a duty to raise the matter to the Board of Directors and obtain its decision on the way forward. Allegations of misconduct against the Managing Director or other matters identified by the Board, as set out in the Board Ethics Committee's terms of reference, are also automatically referred to the Board of Directors, with the Integrity Officer reporting directly to the Board Ethics Committee in such circumstances.

IS THE INTEGRITY SYSTEM CONFIDENTIAL?

The Integrity Officer treats all information related to allegations and cases of misconduct as confidential, and keeps them in a safe space that is not accessible to others. Information related to case management is shared on a strictly need-to-know basis, with protection to the maximum extent possible of the identity of the parties involved in any case as well as any personal information that may reveal their identity.

In general, neither the Managing Director nor any other manager can demand to see confidential information held by the Integrity Officer. If this happens, the Integrity Officer shall report the undue pressure to the Board of Directors. The Integrity Officer only shares information with the Managing Director when s/he is required to make a decision on a specific case – and in certain instances the reporter’s identity may still be protected. Similarly, the Integrity Officer also does not share confidential information with the Board of Directors, unless they are involved in resolving a particular case.

In an investigation process, the parties are informed about how their information is going to be handled, with every reasonable precaution adopted for cases to be handled in a way that is respectful to the reporter, any respondent and any other witnesses. Because participants in an investigation have a right to expect due care in the protection of the confidentiality of the information involved, staff who raise concerns are also required to respect the privacy of the process.

DOES THE EXTERNAL WHISTLEBLOWING REPORTING POINT PROTECT CONFIDENTIALITY?

The External Whistleblowing Reporting Point is a reporting channel located outside of the organization. This function is remunerated and covered by a specialized lawyer (an Ombudsperson) who is sworn to a lawyer's professional secrecy, i.e. under an obligation to preserve confidentiality. In specific, there is a direct attorney-client privilege between the Ombudsperson and TI-S, as well as a bond of trust between the Ombudsperson and the whistleblowers who reach out to him/her.

TI-S and the External Whistleblowing Reporting Point acknowledge that whistleblowers’ identity shall be protected and that they must be able to rely on secrecy and the attorney’s privilege to refuse to give evidence (Zeugnisverweigerungsrecht). This implies that TI-S waives any right to information towards the External Whistleblowing Reporting Point in their attorney-client relationship which would allow the access to documents or any other information the whistleblower has provided to the Ombudsperson, unless the whistleblower has expressed its wish that those documents shall be made accessible for TI-S.

I WANT TO REPORT AN INTEGRITY VIOLATION. WHAT INFORMATION SHOULD I PROVIDE?

When raising a concern or submitting a report, it is advised to be as specific as possible:

What happened? Describe in detail what you know about the issue or incident(s). Clearly distinguish between what you have seen with your own eyes and what you have heard from others.

Who committed the alleged violation? Who is responsible, and do you know if anyone else was involved? If so, include this information in your report.

When did the issue arise or incident(s) occur? Include dates and times, if possible.

Where did the incident(s) occur, or where is relevant information held? Include locations, if possible.

Anything else? It is not your job to investigate, but provide any available documents, photos, screenshots, messages, etc that you already hold, in support of your concern.

WHAT DOES THE INTEGRITY OFFICER DO WITH MY REPORT?

Once a report has been received, the Integrity Officer conducts a preliminary assessment to confirm that the matter raises an integrity concern or violation, and to determine the way forward. Based on the assessment, the Integrity Officer makes a recommendation to the Managing Director on whether or not an

investigation is required, including disciplinary investigation, or some other response, such as an assessment of integrity risk, review of procedures, or restorative justice measures. If a disciplinary investigation is warranted, the Managing Director mandates the Integrity Officer with the task. If no action is to be taken, the case is closed and the reporter is informed.

If the Integrity Officer and Managing Director disagree on the response needed, the Integrity Officer has a duty to raise the issue with the Board of Directors for a decision on how to proceed. This is one of the ways the independence of the Integrity Officer is protected.

WHAT IS THE DIFFERENCE BETWEEN A GRIEVANCE AND AN INTEGRITY VIOLATION?

A **grievance** is a problem or a concern that an employee raises with the employer about challenges in the workplace that have a personal impact on the employee, or behavior that is felt to be inappropriate or harmful to their interests, which does not involve a violation of personal or organizational integrity. Under the *Grievance Policy*, grievances may relate to tasks and conditions of employment; work relations; health and safety in the workplace; new working practices; organizational changes; etc. Concerns related to management style or disagreements around performance evaluation are also normally handled as grievances - however, if they rise to the threshold of abuse of authority, they may constitute misconduct and become an integrity issue. Formal grievances are handled through a dispute resolution process aimed at seeking redress through remedies. Hearings in the formal grievance process enable the interested parties to discuss the issue at stake and think of possible remedial actions to resolve the problem. On a case by case basis, a substantiated grievance may also lead to punitive sanctions.

An **integrity violation** is the failure of a TI-S staff member to comply with his or her obligations under the *Code of Conduct* and other relevant policies or law requirements. Some examples of integrity violations are corruption, undeclared conflicts of interest, partiality, divulgence of confidential information, fraud, discrimination, bullying, unwanted intimacy, sexual intimidation and other forms of sexual harassment. Reporting suspected violations allows TI-S to investigate violations that may otherwise remain unidentified, stop and address them, and prevent damage to the work and reputation of the organization and the people who work for it. Integrity concerns or reports of misconduct must be honestly made, because submission of a report that is knowingly false or misleading constitutes misconduct in itself. Staff who raise integrity concerns will be supported for doing so, and have the right to protections from retaliation, regardless of the outcome of an investigation.

DOES THE INTEGRITY SYSTEM HANDLE DISPUTES IN THE WORKPLACE?

These normally fall outside of the remit of the TI-S Integrity System. In case of a dispute with a manager or another colleague, it is generally advised to make reasonable efforts to resolve the issue informally by addressing it directly with the individual involved, or seeking support from your manager or HR. Taking an informal approach to resolving a dispute can be preferable for all parties involved, is often less stressful than formal action and may lead to a more beneficial solution. If an informal approach is not possible, or a resolution cannot be reached, then a formal grievance under the *Grievance Policy* is the most likely option. You may consider contacting the Works Council or seek external legal advice to be sure about your rights.

Workplace disputes are not normally the role of the Integrity Officer, unless associated with an integrity violation. If the dispute relates to a disagreement over a complex work-related decision, such as a values disagreement, the Integrity Officer can also assist in organizing a moral deliberation with the relevant stakeholders to help resolve the right path.

I HAVE A CONCERN, I'M NOT SURE HOW TO ADDRESS IT. WHAT TO DO?

Ask for advice. You can reach out to your team manager, the Senior Management Team, the Managing Director, the HR team, the Integrity Officer, the Works Council, or the Persons of Trust [once appointed]. Feel free to choose the resource you feel most comfortable with.

AT WORK I HAVE RECEIVED A GIFT, WHAT SHOULD I DO?

We must always be aware that accepting a gift or other benefit may be seen as creating an obligation to reciprocate, or an attempt to influence our work. Gifts include items, discounts, hospitality and entertainment (such as invitations to dinner, cultural events and tourist visits). For this reason, we are only allowed to give and receive small gifts of a token value, provided these do not compromise the integrity of the organization. Under no circumstances can we accept any gift which might influence or be perceived as influencing the exercise of our functions, our judgment or the performance of our duties, including any gift of estimated value exceeding € 100. It is mandatory to report gift exchanges to your supervising officer and record any gifts between the value of €20 and €100 on the Gift Register – managed by the Integrity Officer (Go to G:\Ethics\2. Register of Gifts).

KEY CONTACTS

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| Interim Integrity Officer | Kitty Nooy ethics@transparency.org +49 30 3438 200 20 |
| External Whistleblowing Reporting Point | Dr. Rainer Buchert dr-buchert@dr-buchert.de 069.71033330, 061.05921355 |
| HR Hotline | Human Resources Team hrhotline@transparency.org |
| Works Council | Works Council woco@transparency.org |

Current as at: 11 March 2020