



Caribbean Regional Fisheries Mechanism (CRFM)

Anti-Bribery and Anti-Corruption Policy 2022

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1. BACKGROUND AND PURPOSE OF THE POLICY

- 1.1 The past two decades have witnessed rapid development of the international legal framework aimed at combatting bribery and corruption. Various regional and international instruments have been adopted by governments to combat bribery and corruption, including the Inter-American Convention against Corruption, the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the United Nations Convention against Transnational Organised Crime (UNCTOC), and the United Nations Convention against Corruption (UNCAC). National governments have likewise established Anti-bribery and anti-corruption policies and legislation aimed at preventing bribery and corruption by individuals and entities within their jurisdictions.
- 1.2 The CRFM Anti-bribery and Anti-corruption Policy (hereinafter referred to as “the Policy”) establishes principles and standards that will govern conduct at the CRFM to ensure compliance with international best practices and standards in respect of bribery and corruption and reinforces our intention and obligation to act honestly and ethically in all our business dealings. It sets out the responsibilities of the CRFM including its organs and bodies and those who work for the CRFM in regard to observing and upholding a zero-tolerance position on bribery and corruption.
- 1.3 The Policy also provides a source of information and guidance for those working for the CRFM Secretariat and helps them recognize and deal with bribery and corruption, as well as understand their responsibilities.

2. DEFINITION

“Advantage” includes

- (a) money or any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether movable or immovable;
- (b) the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;
- (c) any office, dignity, employment, contract of employment or services and any agreement to give employment or render services in any capacity;
- (d) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (e) any valuable consideration or benefit of any kind or any discount, commission, rebate, bonus, deduction or percentage;
- (f) any forbearance to demand any money or money’s worth or valuable thing;

- (g) any other service or favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty;
- (h) any right or privilege;
- (i) any aid, vote, consent or influence or pretended aid, vote, consent or influence;
- (j) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of paragraphs (a) to (i).

“Agent” includes any person employed by or acting for another and any person serving under a government or any public body;

“Bribery” refers to the act of offering, giving, promising, asking for, receiving, accepting, or soliciting something of financial or other value or Advantage, so as to induce or influence an action or decision.

“Bribe” means any inducement, reward, or object or item of value offered to another individual in order to gain commercial, contractual, regulatory, or personal Advantage.

“Corruption” or “Corrupt practice” means promising, offering, giving, receiving, or soliciting, directly or indirectly, anything of value (including but not limited to gifts, gratuities, entertainments, favours, invitations, and benefits of any kind) or any undue Advantage, or any act or omission that involves the abuse of authority or functions, for the purpose of influencing or to causing to influence improperly the actions of another party, or for the purpose of obtaining an undue Advantage for oneself or for another party.

“Facilitation payment” is an illegal or unofficial payment made in return for services which the payer is legally entitled to receive without making such payment or a payment made with the intention of securing or speeding up the performance of a certain duty or action.

“Kickback” means a misappropriation of funds that enriches a person of power or influence who uses the power or influence to make a different individual, organization, or company richer.

“Public Official” means: (i) a person who holds a legislative, administrative or judicial position of a state; (ii) a person who performs public duties or functions for a state, including a person employed by a board, commission, company or other body or authority that is established to perform a duty or function on behalf of a state, or is performing such a duty or function; and (iii) an official or Agent of a public international organization that is formed by two or more states or governments, or by two or more such public international organizations.

“Third Party” refers to any individual or organisation that the CRFM meets and works with, including actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies - including their advisers, representatives and officials and politicians.

“Whistleblower” is a person who reports or informs on a person or organization engaged in bribery, corrupt, wrongful or illicit activity.

3. POLICY STATEMENT

- 3.1 The CRFM is committed to conducting business in an ethical and honest manner and is committed to implementing and enforcing measures and systems that ensure bribery and corrupt practices are identified and prevented.
- 3.2 Bribery and the other Corrupt Conduct addressed by the Policy are very serious wrongful acts and a breach of this Policy.
- 3.3 The CRFM has zero-tolerance for Bribery and Corrupt Conduct.
- 3.4 Employees and other stakeholders covered by this Policy must act professionally, fairly and with integrity in all business dealings and relationships, wherever we operate.
- 2.1 Employees must not engage in any form of bribery, whether it be directly, passively or through a Third Party (such as an Agent or a connected person).
- 3.5 Employees must not bribe a Public Official anywhere in the world.
- 3.6 Employees must not accept bribes in any degree, and if they are uncertain about whether something is a bribe or a gift or act of hospitality, they must seek further advice from the Manager, Finance and Administration, the Deputy Executive Director or the Executive Director of the CRFM.
- 3.7 The CRFM will uphold all international and national laws and regulations relating to anti-bribery and corruption in all the jurisdictions in which it operates.
- 3.8 The CRFM recognises that bribery and corruption are very serious wrong doings and are punishable under national laws by terms of imprisonment or fines.
- 3.9 All reported incidents of bribery and corrupt conduct will be taken seriously, reviewed and thoroughly investigated by the CRFM Secretariat.
- 3.10 The CRFM as an organization may be subjected to penalties, be excluded from tendering for contracts or managing donor funded projects, and face serious damage to its reputation, if employees and other personnel connected to it are found to have engaged in corrupt conduct. It is for these reasons that the CRFM commits to preventing bribery and corruption in all its activities.
- 3.11 If an employee, contractor, consultant, intern, agent sponsors, stakeholder or any other natural or legal persons associated with the CRFM (including Third Parties or other persons over which it has control) is discovered to have taken part in a corrupt conduct, the individual or entity involved will be subject to disciplinary action, which may include dismissal or termination of services.

4. SCOPE OF THE POLICY - WHO IS COVERED?

- 4.1 The Policy applies to all employees (whether temporary, fixed term, or permanent), consultants, contractors, trainees, seconded staff, home workers, casual workers, volunteers, interns, Agents, sponsors, stakeholder or any other natural or legal persons

associated with the CRFM (including third parties or other persons over which it has control), or any sub-contractors or their employees, no matter where they are located, and said persons are prohibited from engaging in any act of bribery or corruption with respect to any Third Party, local or international.

- 4.2 The Policy also applies to Members of the Organs of the CRFM including the Ministerial Council, Forum, Executive Committee, Sub-committees, Working Groups or other Committees at any level providing policy or technical support, advice or doing business with the CRFM.
- 4.3 Any arrangements the CRFM makes with a Third Party is subject to clear contractual terms, including specific provisions that require the Third Party to comply with this Policy.

5. WHAT IS AND WHAT IS NOT ACCEPTABLE?

This section of the policy refers to 4 areas:

- (a) Gifts and hospitality
- (b) Facilitation payments
- (c) Political contributions
- (d) Charitable contributions

5.1 Gifts and hospitality

5.1.1 The CRFM Secretariat accepts and appreciates gestures of hospitality and goodwill (whether given to, or received from, third parties) so long as the giving or receiving of gifts meets the following requirements:

- (a) It is not made with the intention of influencing the party to whom it is being given, to obtain or reward the retention of a business or a business Advantage, or as an explicit or implicit exchange for favours or benefits.
- (b) It is not made with the suggestion that a return favour is expected.
- (c) It is in compliance with international norms and local law.
- (d) It is given in the name of the organisation, not in an individual's name.
- (e) It does not include cash or a cash equivalent (e.g., a voucher or gift certificate).
- (f) It is appropriate for the circumstances (e.g., giving small gifts around Christmas or as a small thank you to a company or individual for helping with a project or assignment upon completion).
- (g) It is of an appropriate type and value and given at an appropriate time, considering the reason for the gift.
- (h) It is given / received openly, not secretly.
- (i) It is not selectively given to a key, influential person, clearly with the intention of directly influencing them.

- (j) It is not above a certain excessive value, as pre-determined by the Executive Director (in excess of USD\$100 or as otherwise set by the Governance Bodies of the CRFM).
 - (k) It is not offered to, or accepted from, a government official or representative or politician or political party, without the prior approval of the Executive Director.
- 5.1.2 Where it is inappropriate to decline the offer of a gift (i.e., when meeting with an individual of a certain religion or culture who may take offence), the gift may be accepted so long as it is declared to the Executive Director who will assess the circumstances.
- 5.1.3 The CRFM Secretariat recognises that the practice of giving and receiving business gifts varies between countries, regions, cultures, and religions, so definitions of what is acceptable and not acceptable will inevitably differ for each.
- 5.1.4 As good practice, gifts given and received must always be disclosed to the Executive Director in writing. Gifts from suppliers, equipment suppliers, contractors, consultants or any other third party, must always be disclosed.
- 5.1.5 The intention behind a gift being given / received should always be considered. If there is any uncertainty, the advice of the Executive Director or Deputy Executive Director or Manager, Finance and Administration should be sought.

5.2 Facilitation Payments and Kickbacks

- 5.2.1 The CRFM Secretariat does not accept and will not make any form of facilitation payments.
- 5.2.2 CRFM Secretariat does not allow Kickbacks to be made or accepted. The Secretariat recognises that Kickbacks are typically made in exchange for a business favour or Advantage and is therefore a form of Bribery.
- 5.2.3 The CRFM Secretariat recognises that, despite its strict policy on Facilitation Payments and Kickbacks, employees may face a situation where avoiding a Facilitation Payment or Kickback may put their / their family's personal security at risk. Under these circumstances, the following steps must be taken:
- (a) Keep any amount to the minimum.
 - (b) Ask for a receipt, detailing the amount and reason for the payment.
 - (c) Create a record concerning the payment.
 - (d) Report this incident to your supervisor or line manager or the Manager Finance and Administration.
- 5.2.4 If threats are made against an employee or their family members by someone involved in an act of Bribery or Corruption who is not in close proximity to the employee (e.g. telephone conversations or email), the employee should report said incident to the police.

5.3 Political Contributions

- 5.3.1 The CRFM Secretariat will not make donations, whether in cash, kind, or by any other means, to support any political parties or candidates. The CRFM recognises that such actions may be perceived as an attempt to gain an improper business Advantage.

5.4 Charitable Contributions

- 5.4.1 The CRFM Secretariat accepts (and indeed encourages) the act of donating to charities (e.g Salvation Army, Children's Home) – whether through services, knowledge, time, or direct financial contributions (cash or otherwise) – and agrees to document and disclose all charitable contributions it makes in its financial statements and reports to the Forum and Ministerial council.
- 5.4.2 Employees must be careful to ensure that charitable contributions are not used to facilitate and conceal acts of bribery.
- 5.4.3 The CRFM Secretariat will ensure that all charitable donations made are legal and ethical under local laws and practices, and that donations are not offered or made without the approval of the Executive Director or Deputy Executive Director in his/her absence.

6. EMPLOYEE RESPONSIBILITIES

- 6.1 The Executive Director is ultimately responsible for the implementation of this policy in his capacity of the Chief Executive Officer of the CRFM. He shall be assisted by the Deputy Executive Director in discharging his duties to manage and implement this policy.
- 6.2 The Manager, Finance and Administration is assigned direct responsibility for day-to-day implementation of the Policy and shall keep the Directors informed of activities and developments related to and concerning the implementation of the Policy.
- 6.3 Employees of the CRFM Secretariat, must ensure that they read, understand, and comply with the information contained within this Policy, including any amendments made thereto, and with any training or other anti-bribery and corruption information issues pursuant to the Policy.
- 6.4 All employees and those working under the control of the CRFM Secretariat are equally responsible for the prevention, detection, and reporting of Bribery and other forms of Corruption.
- 6.5 Employees are required to avoid any activities that could lead to, or imply, a breach of this anti-bribery and anti-corruption policy.
- 6.6 If an employee has reason to believe or suspect that an instance of Bribery or Corruption has occurred or will occur in the future that breaches this policy, that employee must notify the Manager, Finance and Administration, Deputy Executive, Director, Officer in Charge

of the Office in Saint Vincent and the Grenadines or the Executive Director. If an employee fails to report a suspected case of Bribery or Corruption her or she may face disciplinary action.

- 6.5 If any employee breaches this Policy, he or she will face disciplinary action and could face dismissal for gross misconduct in accordance with the Disciplinary Procedures and/or Revised Recruitment and Termination Policies and Procedures of the CRFM. The Executive Director has the right to terminate a contractual relationship with an employee if they breach this Policy.

7. RAISING A CONCERN

This section of the policy covers 3 areas:

- (a) How to raise a concern
- (b) What to do if you are a victim of bribery or corruption
- (c) Protection

7.1 How to raise a concern

- 7.1.1 If you suspect that there is an instance of bribery or corrupt activities occurring in relation to any activity, you are encouraged to raise your concerns at as early a stage as possible.
- 7.1.2 If you're uncertain about whether a certain action or behaviour can be considered bribery or corruption, you should speak to your Supervisor, the Manager, Finance and Administration, the Executive Director, or the Deputy Executive Director.
- 7.1.3 The CRFM Secretariat will familiarise all employees with its whistleblowing procedures so employees can report or vocalise their concerns swiftly and confidentially.

7.2 What to do if you are a victim of bribery or corruption

- 7.2.1 An employee must inform his or her supervisor, the Manager, Finance and Administration or a Director as soon as possible if he or she:
- (a) is offered a bribe by anyone,
 - (b) is asked to make one,
 - (c) suspect that he or she may be bribed or asked to make a bribe in the near future, or
 - (d) has reason to believe that he or she is a victim of another corrupt activity.
- 7.2.2 An employee who is a victim of Bribery or Corruption should inform the police if threats are made against the employee or their family members by someone who is not in close proximity to the employee (e.g. telephone conversations or email).

7.3 Protection

- 7.3.1 If an employee refuses to accept or offer a bribe or report a concern relating to potential act(s) of bribery or corruption, the CRFM Secretariat understands that the employee may feel worried about potential repercussions.
- 7.3.2 The CRFM Secretariat will support anyone who reports or informs on a suspected wrong doing or raises concerns in good faith under this policy, even if investigation finds that they were mistaken.
- 7.3.3 Because of the sensitive and possibly dangerous or defamatory nature of corruption and Bribery issues, the will, except to the extent required by law and/or necessary for any investigative or remedial actions it takes, keep the circumstances and parties involved confidential.
- 7.3.4 The CRFM Secretariat will take all reasonable measures to ensure that Whistleblowers and witnesses are protected against retaliation when reporting or providing information or otherwise cooperating with the CRFM in relation to a wrongdoing.
- 7.3.5 The Whistleblowers may remain anonymous or request that their identity be kept confidential consistent with the need to conduct an adequate and thorough investigation.
- 7.3.6 The CRFM Secretariat will ensure that no one suffers any detrimental treatment as a result of refusing to accept or offer a bribe or other corrupt activities or because they reported a concern relating to potential act(s) of bribery or corruption.
- 7.3.7 Detrimental treatment refers to dismissal, disciplinary action, treats, or unfavourable treatment in relation to the concern the individual raised.
- 7.3.8 If an employee has reason to believe he or she has been subjected to unjust treatment as a result of a concern reported or refusal to accept a bribe or engage in a corrupt activity, he or she should inform the Manager, Finance and Administration or a Director immediately.

8. TRAINING AND COMMUNICATION

- 8.1 The CRFM Secretariat will provide training on this Policy as part of the induction process for all new employees.
- 8.2 Employees of the CRFM will receive regular, relevant training on how to adhere to this policy and any subsequent modifications made to it.
- 8.3 The provisions of this Policy will be incorporated into the contract of employment or service contract of all employees.
- 8.4 The provisions of the Policy and zero-tolerance principle will be clearly communicated to all suppliers, contractors, consultants, business partners, and all other Third Parties at the outset of business relations, and as appropriate thereafter.

9. ENGAGEMENT WITH THIRD PARTIES

9.1 Due diligence

- 9.1.1 Prior to engaging any third parties, CRFM employees must conduct due diligence if the Third Party constitutes any of the following: potential consultant or delivery partner, collaborator, project partner, community-based / NGO project partner, material supplier, service provider, or an Agent or intermediary that may engage with government or other business partners on the CRFM's behalf.
- 9.1.2 If due diligence is required, the CRFM staff responsible for the engagement must complete the Due Diligence Checklist approved by the Executive Director.
- 9.1.3 Where any red flags are identified in the course of completing the Checklist, the CRFM staff must inform the Executive Director. The Executive Director must confirm whether it is appropriate to proceed with the engagement in those circumstances.

9.2 Contractual controls

- 9.2.1 If due diligence on a particular third party was necessary, any engagement by contract or agreement with that Third Party must include the standard clauses addressing anti-bribery and corruption.

9.3 During the engagement

- 9.3.1 During the engagement of the third party, the CRFM staff managing the contract / agreement and the Manager Finance and Administration must maintain oversight of the work of the Third Party (including, where appropriate, requesting and reviewing progress reports, invoices and other documentation) in order to confirm that legitimate work has been undertaken and improper payments have not been made.
- 9.3.2 Any red flags that arise during the monitoring must be reported to the Deputy Executive Director or Executive Director who must ensure that the matter identified is documented and investigated during the engagement.

10. RECORD KEEPING

- 10.1 The CRFM Secretariat will keep detailed and accurate financial records and will have appropriate internal controls in place to act as evidence for all payments made.
- 10.2. The Secretariat will declare and keep a written record of the amount and reason for hospitality or gifts accepted and given and understand that gifts and acts of hospitality are subject to managerial review.

11. MONITORING, REVIEWING AND AMENDING THE POLICY

- 11.1 The Executive Director, supported by the Deputy Executive Director, is responsible for monitoring the effectiveness of this policy and will review the implementation of it on a regular basis. He or she will assess its suitability, adequacy, and effectiveness.
- 11.2 The CRFM's Internal control systems and procedures designed to prevent bribery and corruption are subject to regular internal and external audits to ensure that they are effective in practice.
- 11.3 Any gaps or need for improvements identified during the implementation of this Policy will be addressed as soon as possible by the Executive Director in collaboration with the Governance Bodies of the CRFM (the Caribbean Fisheries Forum and its Executive Committee, and the Ministerial Council) based on established procedures for decision-making.
- 11.4 Employees are encouraged to offer their feedback on this Policy if they have any suggestions for how it may be improved. Feedback of this nature should be addressed to the Manager, Finance and Administration.
- 11.5 Members of the Forum and Ministerial Council of the CRFM will monitor the implementation of this Policy and provide feedback and policy direction to the Executive Director to facilitate revisions when considered necessary.
- 11.6 This Policy may be amended at any time in order to improve its effectiveness at combatting bribery and corruption.
- 11.7 Regular reviews of the Policy will be conducted every 4 years and proposed amendments will be reviewed by the Caribbean Fisheries Forum and approved by the Ministerial Council of the CRFM.