



# **Anti-Corruption, Anti-Bribery and Anti-Fraud Policy**

## **Updated 2023**



# ANTI-CORRUPTION, ANTI-BRIBERY AND FRAUD POLICY

<b>Issuer / Owner Department</b>	Chief Operations Officer (COO)	
<b>Process(es) Involved</b>	Governance	Conduct
<b>Risk(s) Involved</b>	All risks	
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<b>Scope</b>	Organisation-wide and Stakeholders
<b>Classification</b>	Internal and External
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<b>Related Documents</b>	Code of Conduct Whistleblowing Policy Conflict of Interest Policy Accepting Gifts, Entertainment or Incentives Policy
<b>Regulatory Text(s)</b>	N/A

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## 1. PURPOSE

This policy seeks to provide a framework for efficient and effective detection, prevention and deterrence of corruption, bribery and fraudulent activities at ASLM. Corruption, bribery and fraudulent activities pose a significant risk to ASLM's assets and to its reputation. This policy therefore, also communicates ASLM's position on such activities within our workplace.

## 2. SCOPE

This policy applies to all ASLM employees, Board of Directors ("the Board"), Contractors, Consultants, Sub-grantees, Implementing Partners, Vendors, and other Third Parties.

## 3. APPLICABLE REGULATIONS

This policy should be read together with relevant ASLM policies (see related references section), funding agreements, and relevant country and international laws where ASLM implements its programs.

## 4. DEFINITIONS

The following definitions are applicable to this policy:

### 4.1.1 Corruption

The abuse of entrusted power for private gain. It may take many forms including but not limited to:

- Demanding or taking money or favours in exchange for services
- Granting jobs to sponsors/friends/families/other connections without following laid down recruitment procedures
- Accepting bribes to issue contracts for goods and services

### 4.1.2 Bribe

Offering to pay, paying, causing to pay, or authorizing the payment of money or anything of value to a government official, ASLM employee, or ASLM Board Member in order to influence any act or decision of the person in his or her official capacity or to secure any other improper advantage in order to obtain or retain business. This includes a payment to a governmental, audit or other official entrusted with audit/compliance assurance who asserts that a compliance problem exists, which based on the facts does not truly exist, and then requests payment to resolve the non-existent problem e.g., a tax finding.

### 4.1.3 Kickback

Any money, gift, or thing of value which is provided to a vendor/supplier or their employee or agent, for the purpose of improperly obtaining or rewarding favourable treatment in connection with the awarding of a contract.

### 4.1.4 Facilitation Payment

A payment above and beyond any normal published fee, to induce a government official to perform a routine function they are otherwise obligated to perform, such as processing a visa, clearing goods from customs, etc.. sometimes referred to as "grease"

### 4.1.5 Government Official

Any officer or employee of a government or any department, agency or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such officer or employee.

#### 4.1.6 Fraud

Fraud is an intentional act of deception, misrepresentation, impropriety, or concealment to gain something of value at the detriment of another. Fraudulent acts can include but are not limited to:

- Theft
- Misuse of ASLM cash or other assets
- False claims for expenses
- Forgery
- Billing for services not performed, including falsification of timesheets.
- Inflating charges for services or products
- Abusing one's position while employed at ASLM for inappropriate financial gain.

It is important to note that fraud does not necessarily have to result in a loss to ASLM.

### 5. PRINCIPLES

ASLM's approach to combating corruption, bribery and fraud is embedded in the following principles:

- We will avoid conflict of interest – real or potential – between personal interest and ASLM business and will promptly report any occurrence of such conflict.
- We will not seek to influence for private purpose any person or body by using our official positions or offering them personal advantages. Likewise, we will not use ASLM property, facilities, services, or finances for private purposes except when lawfully permitted.
- We will respect and obey all laws and regulations where ASLM implements its programs, and as promulgated in the various funding agreements that ASLM has signed to
- We will ensure that our private conduct does not compromise our role as ASLM representatives.
- We will strive to achieve maximum openness and transparency in our dealings with all stakeholders, while respecting, as applicable, ASLM's confidentiality policy
- ASLM will not discriminate against any person or entity in respect of gender, color, religion, culture, education, social status, national origin, or any other status.
- ASLM will ensure that its code of conduct is known to all our employees, board members, professional partners, and other relevant stakeholders.

### 6. STATEMENT OF POLICY

With regards to corruption, bribery and fraudulent practices:

- i. ASLM has a **zero-tolerance** policy for acts of corruption, bribery, and fraud. An employee who has been found guilty of such acts can expect to be terminated and at no time will he/she be eligible for rehire. The employee in question will be compelled to reimburse ASLM for misappropriated resources and may face prosecution in the relevant legal system.
- ii. ASLM opposes bribes, kickbacks, and facilitation payments as incompatible with ethical, accountable and efficient business operations. Furthermore, ASLM complies with all applicable anti-bribery laws and regulations, including the U.S. Foreign Corrupt Practices Act (FCPA) and similar anti-bribery laws of other countries.
- iii. ASLM employees or representatives will not solicit or receive something of value from a potential or current contractor in exchange for assisting the contractor with winning or

- retaining business with ASLM as this is an abuse of one's position for inappropriate financial gain, a conflict of interest, and possibly a crime under country laws where ASLM operates
- iv. An after-the-fact exception to this policy is possible if an employee, after resisting a demand for a bribe or facilitation payment, reasonably believes that he/she is in imminent physical danger by someone clearly able to inflict harm. Such an exception must be reported immediately to the Chief Operating Officer (COO) or Chief Executive Office (CEO)
  - v. In addition, certain situations offer the potential for the appearance of impropriety, even though no bribe is being offered or solicited. Therefore, no meal, entertainment, or gift, no matter how small may be provided to a government or donor official if it might affect the outcome of any ASLM business or matter pending before that official's agency or otherwise create an appearance of improper conduct. In this regard, the policy for these types of situations is;
    - a. ASLM may only pay for a gift, meal or entertainment that is:
      - Legal under local law
      - Related to a legitimate business-related activity or purpose.
      - In accordance with local business customs
      - Not excessive
      - Infrequent and
      - Appropriate for the occasion
    - b. Promotional gifts of minimal value that bear ASLM's logo may be given to government or donor officials if they satisfy the requirements in paragraph (a) above.
    - c. Gifts to government or donor officials must never be made in cash or cash equivalents.
  - vi. ASLM will aggressively investigate suspected corruption, bribery and fraudulent activity by its employees, board members, contractors, consultants, implementing partners or sub-recipients without regard to their position, length of service or relationship with ASLM.
  - vii. All ASLM employees must be aware of the general types of corruption, bribery and fraud activities that can occur within ASLM and be alert for symptoms of wrongdoing.

## 7. REPORTING CORRUPTION, BRIBERY & FRAUDULENT ACTIVITY

ASLM employees are required to report known and suspected acts of corruption, bribery and fraud by a fellow employee, board member, contractor, consultant, implementing partner or sub-recipient. The report should be made to [ethics@aslm.org](mailto:ethics@aslm.org) or to ASLM's Ethics Hotline as provided below:

Country	Number	Limitations	Language Provision
Ethiopia & All Other Countries	+27 31 571 5307	International South African number. Accessible from all networks at international call rates from any country to South Africa	English 24/7. French and Portuguese during South African business hours - Mondays to Fridays between 08h00 and 17h00 CAT
South Africa	0800 331 666	Customized toll-free number. Toll-free access	English 24/7. All ten other official languages during

		from all networks in South Africa	South African business days - Mondays to Fridays between 08h00 and 17:00 CAT
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In addition to the unique telephone numbers referred to above, Deloitte will provide ASLM with access to the Deloitte Tip-offs website at the following web address: [www.tip-offs.com](http://www.tip-offs.com) from which a tip-off may be sent by the Whistleblower. Deloitte also provides a unique email address as follows [ASLM@tip-offs.com](mailto:ASLM@tip-offs.com)

The ethics hotline is an externally managed, anonymous reporting tool and employees should report any eligible acts of corruption, bribery, and fraud within 24 hours of the suspicion.

## **8. INVESTIGATING REPORTED ACTIONS**

All reported suspicions will be logged in ASLM's Corruption, Bribery and Fraud register maintained by ASLM's Internal Audit and Compliance Manager. The suspicions will be investigated in accordance with the procedures outlines in ASLM's Whistleblowing Policy. Based on the findings, ASLM will decide whether to take any contract or personnel actions and/or change its internal controls.

## **9. TRAINING & AWARENESS**

ASLM will ensure that training is availed to its staff, board members, consultants and other third parties on the contents and implementation of this policy. Staff who join ASLM will be required to go through an induction process that entails familiarisation with this policy. ASLM will ensure that the requirements of this policy forms part of the contractual agreement with its sub-grantees, contractors and third parties.

## **10. FLOW DOWN TO THIRD PARTIES**

ASLM will hold regular discussions with vendors, suppliers, sub-grantees and partners about its policy on corruption, bribery and fraud. Grantees and implementing partners must ensure their staff are trained and are aware of their responsibility to protect funds from these acts.

## **11. ASSURANCE**

With respect to ASLM's commitment to upholding the highest standards in its enforcement of this policy, ASLM provides the following assurances:

- All reported suspicions will be investigated.
- ASLM Senior Leadership Team (SLT) will review the corruption, bribery and fraud register at least once every month, review of which shall be documented in writing
- ASLM Management will share the corruption, bribery and fraud register with the Board of Directors, every 6 months or sooner depending on the assessed severity/impact of a reported event.
- ASLM donors will be indemnified from financing any misappropriated assets and will be reimbursed for any previously billed expenses that were subsequently proven to be unallowable.
- ASLM will notify the relevant donor agency of all instances that are determined to have resulted in corruption, bribery, or fraud and how ASLM addressed the issue.

- As an enhanced internal control measure, persons who hold the below positions at ASLM are required to take at least 5 consecutive calendar days (can be taken in conjunction with public holidays) of time off during each calendar year. During their absence, other personnel must step in to perform the core functions of the person taking the time off:
  - All Senior Leadership Team Members
  - The Procurement Manager
  - The Senior Controller
  - The Accounting Manager

**12. EXCEPTIONS**

There are no exceptions to this policy.

**13. CONTACT**

For questions or feedback about this policy, please contact the Chief Operating Officer.

**Approved by:**

**Name:** Nqobile Ndlovu

**Designation:** Chief Executive Officer

**Signature:**

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*Nqobile Ndlovu*  
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**Date:** 08-Nov-23 | 7:57 PM EAT