

## **NPO FRACARITA BELGIUM**

### **CODE OF ETHICS ON INTEGRITY in case of abuse, fraud and corruption**

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on 15 December 2020.**

**This Code comes into force on 31 December 2020 and may be amended by the Coordinator  
of Fracarita Belgium, following approval by the NPO's governing body.**

## CONTEXT OF THIS CODE

### 1. Introduction

Fracarita Belgium is the Belgian organisation for international cooperation of the Brothers of Charity with expertise in the field of development cooperation, especially in mental health care, care for the disabled, education and humanitarian aid. The Gospel and the Vincentian charism are a source of inspiration for Fracarita Belgium.

The dignity of each person is central, as is the solidarity and the will to offer to each person a dignified existence in accordance with universal and inalienable human rights and without discrimination on the grounds of origin, sexual orientation, gender or religious identity or on the grounds of membership of an organisation.

In this document you will first find the values of Fracarita Belgium that form the basis of the Code of Ethics, as well as its importance and purpose. Then, this Code defines the basic principles of social behaviour as well as some specific modes of conduct. Each employee, volunteer and consultant - hereafter called "the employees" - of Fracarita Belgium, at any place of work, North or South, must subscribe to this Code of Ethics and abide by it.

This Code of Ethics is also applicable in our mutual collaboration with partner organisations, both in North and South, and is therefore included in our contracts with them.

### 2. The values of Fracarita Belgium

For Fracarita Belgium, the **vulnerable human being** is central. Fracarita Belgium believes that human dignity is a basic right. However, **human dignity** is threatened for some vulnerable groups. Fracarita Belgium believes that supporting **personal rehabilitation and social (re)integration** of vulnerable people contributes to increase their autonomy and improve their quality of life, ultimately creating a more **humane society** where there is room for everyone.

This motivation creates the urge to strive for **equal access to care and to education for all** and for social justice between North and South, which leads to a fairer distribution of **the available resources and of the benefits** of global progress.

From here, three basic values emerge: **solidarity, equality and responsibility**. These three important values keep us moving and make us believe that we are co-responsible for the fate of others, more specifically in the South. A responsibility that we take on, conscious of being equal to the people in the South with whom we make a common journey and with a feeling of unity with the other, based on values and standards that are sufficiently explicit on both sides. Mutual dialogue and exchange are essential in this.

This process of development is also taking place in the North. When Fracarita Belgium listens to the people and partners in the South, we can question ourselves and our own culture. Respect and reciprocity can also support our development. For Fracarita Belgium, this development and reciprocity mean the search for a people-oriented society both in Belgium and in the South.

### **3. The specific integrity challenges for Fracarita Belgium**

Fracarita Belgium works in the South with partners who focus on specific target groups with very vulnerable people:

- mental health care
  - people with mental suffering
  - or a mental disorder
  - or an addiction
- care for people with a disability
- children and young people with poor access to education or training

These people are extremely vulnerable, dependent and prone to abuse. Not only because of their poor socio-economic situation due to living in the South, but also because of the specific context of care, welfare or education for which they appeal to our partners. Fracarita Belgium wants its own staff and also its partner organisations to treat them with care and to leave no room in its operations for any form of abuse.

In the North, Fracarita Belgium often works with similar vulnerable groups, because its awareness raising activities in the North very often focus on the services of the NPO *Organisatie Broeders van Liefde* in the field of education and welfare . Also for its awareness raising activities in the North, necessary steps must be taken to prevent possible cases of abuse.

# **THE CODE OF ETHICS OF FRACARITA BELGIUM**

## **1. Importance and purpose of the Code of Ethics**

The purpose of this Code of Conduct is to guide and protect the employee so that he/she is very aware of the importance of a number of situations that may arise. This Code of Ethics therefore applies to all employees of Fracarita Belgium, at any place of work: in the North or the South.

It is up to the Hierarchical Superior to discuss this Code of Ethics in detail with each employee. He/She must ensure that the employee fully understands the code and, in the event of a breach, is aware of the consequences and disciplinary measures, as well as the steps and procedures to be taken in the event of a breach of this Code of Ethics. Every employee is obliged to acquaint him/her-self with the contents of the Code of Ethics.

In addition, with this ethical code, Fracarita Belgium also wishes to show its partner organisations in the North and South its commitment in this matter and therefore asks its partners to respect it and to implement it according to their own local context and legislation during the implementation of our cooperation programmes.

## **2. The basic principles**

Fracarita Belgium wants to be an organisation free of any form of aggression, intimidation (whether sexual or otherwise), stalking (sexual, mental, physical, professional or cyber stalking) and discrimination. Fracarita Belgium commits itself to fight and prevent any form of (such) undesirable behaviour and does not avoid consultation and discussion on this subject.

Fracarita Belgium rejects all forms of undesirable behaviour such as harassment (whether sexual or otherwise), aggression and discrimination based on race, age, belief, political opinion, nationality, sex, sexual orientation, gender, civil status or disability. The employees must show respect towards other employees, to Fracarita Belgium as an organisation, to its hierarchy and to its partners. In the daily conduct of their duties and responsibilities, Fracarita Belgium employees must act neutrally, impartially and without any form of discrimination.

## **3. Participation in the daily life of local communities during missions (in the South)**

Fracarita Belgium does not wish to restrict the private life of its employees. Nevertheless, one should not forget that during a mission in the South, also during free time, the employee concerned is always considered as a representative of the organisation. Fracarita Belgium asks its employees to be aware of this fact and to behave correctly at all times. It goes

without saying that employees must respect the laws and local regulations at all times, both in the North and the South.

Fracarita Belgium motivates its employees to develop social, cultural and/or religious contacts within the local community during their assignments in the South. Good social relations with the local community contribute to good results for the activities of Fracarita Belgium. This is also in the interest of the employees involved.

Fracarita Belgium expats are not allowed to involve themselves in local political movements or engage in cultural, social or religious activities that could in any way compromise or discredit the objectives of Fracarita Belgium in the country concerned.

The local employees of our non-profit organisation are part of the local community and are therefore free to engage in local activities. In doing so, they must ensure that their personal activities are clearly distinguished from those carried out within the framework of Fracarita Belgium's activities and make it clear that they do not represent Fracarita Belgium during these personal activities. They cannot claim to represent Fracarita Belgium in case of problems that would arise from activities that are not related to their work.

Local employees of our partner organisations who come to Belgium on a mission will also be asked to subscribe to this Code of Ethics and follow it. Local partners who have contacts with other local partners of Fracarita Belgium as part of our cooperation must also follow this Code. We include this obligation in our partner agreements.

## **4. Special conduct**

### **Abuse of power, fraud and corruption**

Doing humanitarian work is a privilege. That is why Fracarita Belgium, by implementing high standards and strict criteria, wants to make sure that its conduct towards its stakeholders is considered as respectful by the latter.

Therefore:

- It is forbidden for employees to abuse their position of power for their own benefit or for the benefit of relations or friends.
- An employee must never accept bribes or benefits in kind or otherwise for his own benefit or for personal gain from a purchase or other transaction.
- Employees must never receive personal gifts, offered by target groups or suppliers, in the form of money, goods, favours or services.
- Employees must report any waste, fraud, abuse or corruption (funds not used in accordance with partner agreements, agreements with the granting authorities, agreements with donors, etc.) to the competent supervisor or act in accordance with the Whistle-blower Regulations.

### **Stalking, abuse and exploitation**

Fracarita Belgium has a zero tolerance policy towards all forms of stalking, abuse and exploitation at all levels (among colleagues, with the beneficiaries, with volunteers, among volunteers, etc.).

### **Conflicts of interest**

Sometimes, in special situations, private and professional interests (of Fracarita Belgium) may come into conflict. Conflicts of interest can arise, especially when it comes to services and contracts.

Therefore:

- Employees are not allowed to be intermediaries in business relationships between their relatives/family members and Fracarita Belgium.
- Employees who also own, or have financial interests in, a company should never conclude or sign contracts between Fracarita Belgium and the company concerned.
- Employees must not create a conflict of interest or allow it to persist. From the moment an employee identifies a conflict of interest, the situation must be explained to his/her hierarchical superior.

### **Use of property and knowledge of Fracarita Belgium**

- Employees should use Fracarita Belgium's rolling stock, computers, other materials and equipment efficiently, taking into account the environment and according to the guidelines in their manual.
- It is not allowed to use the institutional knowledge of Fracarita Belgium for private or other purposes.

### **Relationships with other employees**

Fracarita Belgium encourages the maintenance of open and professional relationships between its employees, respecting diversity and cultural, sexual, religious and political differences.

Therefore:

- Friendship ties may develop between employees. However, these should not be an obstacle to achieving the organisation's objectives.
- Hierarchical superiors are not allowed to develop marital relations or a form of cohabitation with employees under their direct responsibility. If necessary, the hierarchical relationship must be changed.

### **Weapons**

- Fracarita Belgium forbids the presence of weapons in (the direct surroundings of) the buildings or premises where Fracarita Belgium works. This also applies to the residence of employees if this is located within the buildings of Fracarita Belgium.
- Weapons are forbidden in the vehicles of Fracarita Belgium or those hired or used by Fracarita. Armed civil or military personnel are not allowed to take place in these vehicles. If, under threat of violence, armed persons wish to board a Fracarita

Belgium vehicle, the strategy of Fracarita Belgium concerning security must be followed (cf. Guide for security measures).

- Fracarita Belgium employees are not allowed to possess, carry or otherwise dispose of weapons during their working hours.

### **Alcohol and drugs**

- Employees are never allowed to work under the influence of alcohol or drugs in any form, be it legal or illegal.
- Drugs, in any form, are not allowed on the premises, in offices, or vehicles under control of Fracarita Belgium as well as during missions.
- Employees of Fracarita Belgium and their relations are not allowed to keep or use alcoholic beverages and/or drugs in places where this is not legally permitted.

### **Sexual Conduct**

Fracarita Belgium asks its employees, when engaging in sexual relations, to observe the greatest possible dignity and to be sure that they are freely desired.

- Employees must comply with local laws and regulations.
- Whatever the local regulations may be and even if they may not exist, , Fracarita Belgium forbids relationships or sexual relations with persons under the age of 18. A possible wrong estimation of age will not be accepted as an excuse. The employee will have to verify the age of the person concerned by consulting an identity document.
- It is forbidden to have sexual relations with beneficiaries of programmes or their relatives.
- Fracarita Belgium rejects inequality in terms of power and access to resources. According to this commitment, staff members are not allowed to receive sexual services in exchange for money, promises or other means of exchange.

## **5. Respect of the Code of Ethics and Disciplinary Measures**

This Code of Ethics is part of the employment and volunteer contract of Fracarita Belgium's employees. Disciplinary measures, including the dismissal of the employee concerned, may result from the failure to respect this Code of Ethics. The hierarchical superior or, depending on the seriousness of the facts presented or the incident, the Coordinator, in consultation with the hierarchical superior, will decide on the seriousness of the breach and the resulting measure to be taken. Criminal or civil proceedings may be brought against the employee for a violation. If the employee has involuntarily violated the Code of Ethics, is subsequently aware of this and immediately reports the violation to his or her superior, the latter will take this into account with regard to the disciplinary measure to be taken.

This Code of Ethics of Fracarita Belgium is also part of its partner agreements, within which it is mentioned. In these agreements, we describe the measures that can result from not respecting the provisions mentioned therein.

## **INTERNAL WHISTLEBLOWER REGULATIONS OF FRACARITA BELGIUM**

Fracarita Belgium attaches great importance to the fact that employees can report, in an appropriate and safe manner, any indication of irregularity or possibility of irregularity in violation of the values or the Code of Ethics of Fracarita Belgium, within the organisation.

### **Article 1, Definitions**

The terms used in the regulation of whistleblowing declare the following :

- Staff member: person working on the basis of an employment contract, as an expatriate, volunteer or consultant in the service of Fracarita Belgium in Belgium or elsewhere
- Hierarchical Superior : person who is hierarchically responsible or in charge of the direct follow-up of the staff member
- Coordinator: coordinator of Fracarita Belgium, the current coordinates can always be found on the Fracarita Belgium website (<https://fracarita-belgium.org/>)
- Chairman of the governing body: the Chairman of the governing body of Fracarita Belgium, the current coordinates are always available on the Fracarita Belgium website (<https://fracarita-belgium.org/>)
- Confidential Advisor: the contractual employee of Fracarita Belgium who has been appointed as a person of trust or as a consultant among the staff members and who is bound by a duty of confidentiality. He or she is chosen and appointed by a vote among the staff members and his or her name is mentioned in the work regulations.
- The Integrity Advisor: the Fracarita Belgium staff member who acts as a contact for general questions about this Code of Ethics and its provisions. His or her name and the current coordinates can always be found on the Fracarita Belgium website (<https://fracarita-belgium.org/>).
- Complaints Handler: the Fracarita Belgium employee who has been appointed as contact point for incoming reports and complaints. His or her name and the current coordinates can always be found on the Fracarita Belgium website (<https://fracarita-belgium.org/>).
- Third Person: any person, other than a counsellor or Confidential Advisor, to whom the employee communicates the irregularity.
- Complaints Committee: includes the Complaints Handler, the Integrity Advisor and one member of the governing body. Their names and coordinates can be found on the Fracarita Belgium website (<https://fracarita-belgium.org/>).

### **Article 2, Scope of these regulations**

2.1 These regulations have been drawn up to report an incident of irregularity. This means that, based on reasonable grounds, it must be considered that **the interest of Fracarita Belgium is jeopardised**, by a:

- a) criminal offence (imminent)



- b) violation (imminent) of the law or of the "Code of Ethics" of Fracarita Belgium
- c) threat to public health ; safety or the environment
- d) (risk) of deliberately spreading false information to public organisations or to civil society
- e) (risk) of misappropriation or waste of goods or funds
- f) (risk) of removal, destruction and deliberate manipulation of information relating to these facts.

2.2 These regulations are not designed to:

- a) report personal complaints from employees regarding personal issues about their work.
- b) report a conscientious objection in the performance of Fracarita Belgium's activities.

### **Article 3, Internal alarm Procedure**

3.1 Fracarita Belgium invites its employees to report any indications of irregularities concerning the organisation.

3.2 The employee shall report the indication of irregularity in the form of an internal warning. Only in the case of an exception, as referred to in Article 6.1.1, may this indication be reported to a Third Person.

3.3 Within Fracarita Belgium, the employee may report an indication of an irregularity to his or her Hierarchical Superior. If the indication indicates an irregularity concerning a hierarchical superior, the employee may report the indication to the Coordinator.

3.4 The person who is informed of the irregularity makes a written report of it, with the date of the report, and has it signed for approval by the person who reported the irregularity. The latter shall receive a copy thereof. This document exonerates the latter from any possible suspicion of complicity.

3.5 The person who is informed of the irregularity (other than the Coordinator) is responsible for immediately communicating the alarm to the Coordinator, and she/he will ensure that the Coordinator receives a written copy of the emergency signal report.

3.6 On the initiative of the Coordinator, an investigation is opened on the emergency signal caused by an indication of irregularity. The person who received the alarm is kept informed of the consequences and ensures that the whistle-blower receives feedback.

3.7 The staff member who raises the alarm within the organisation and the staff member who received the alarm are bound by a duty of confidentiality.

## **Article 4, Follow-up**

4.1 Within a period of eight weeks, from the moment of the internal alarm, the employee shall be informed of the consequences given to the report concerning the notified indication and of the decisions and measures taken.

4.2 If a position cannot be formulated within a period of eight weeks, the employee shall be notified thereof by the Coordinator and a new deadline shall be communicated to him/her.

4.3 If the new deadline, as mentioned in article 4.2, and taking into account all circumstances, is considered too long, the employee can lodge an objection with the Coordinator. This may be done in writing by letter to his/her attention at the Fracarita Belgium's postal address or by e-mail to this person's work e-mail address which can be found on the Fracarita Belgium website (<https://fracarita-belgium.org/>).

## **Article 5, Internal emergency signal to the Governing Body**

5.1 The employee may communicate an indication of irregularity to the Chairman of the Governing Body (this can be done in writing by letter for his/her attention at the postal address of Fracarita Belgium or by e-mail at the e-mail address of this person which can be found on the website of Fracarita Belgium, <https://fracarita-belgium.org/>), under certain circumstances, namely if:

- a) the warning of an irregularity concerns the Coordinator
- b) he/she does not agree with the decision and possible measures mentioned in article 4
- c) he/she has not received an explanation of the decision before the indicated deadline in article 4
- d) the deadline mentioned in Article 4.2 is considered too long and the employee has filed an objection with the Coordinator, but that objection has not led to a shorter deadline and was considered reasonable.

5.2 The Chairperson of the Governing Body records in writing the professional emergency signal as well as the date of receipt, and he sends an acknowledgement of receipt to the employee in which he refers to the alarm and, if applicable, to the prior grievance. If the Chairperson of the Governing Body does not respond to the employee's complaint within one month or if the Chairperson is suspected of involvement in the suspected offence, the employee may turn to another member of the Governing Body, the names of whose members are given in the annual report and on the website. This can be done in writing by letter to the attention of Fracarita Belgium or by email to the email address of this person. This member of the Governing Body is obliged to inform the other members and to start an investigation.

5.3 An investigation is then opened on the initiative of the Chairperson of the Governing Body or of a member of the Governing Body in the absence of the Chairperson. He ensures the feedback to the whistle-blower.

5.4 The employee who raises the alarm within Fracarita Belgium and the employee who received the professional alarm signal are bound by a duty of confidentiality. The person handling the complaint makes sure to conduct his/her investigation in a discrete way and to require from the persons contacted the respect of the confidentiality of the case and the suspected facts.

## **Article 6, Alarm to Third Person**

6.1 The employee may communicate an indication of irregularity to a Third Person only with due regard for the following exceptions:

- a) an urgent danger which requires an external professional alarm because of an urgent public interest;
- b) a situation where the employee may legitimately fear the consequences of an internal alarm;
- c) an explicit threat of misappropriation or destruction of evidence;
- d) the existence of a legal obligation to notify this indication of irregularity.

6.2 The employee may alert a Third Person who, taking into account the circumstances of the case and according to the reasonable opinion of the employee, may be considered the most appropriate person to rectify the irregularity or have it rectified immediately or otherwise. In this case, the employee must, on the one hand, take into account the efficiency with which the Third Person will intervene and, on the other hand, take into account the interest of Fracarita Belgium in minimising the damage resulting from the intervention, to the extent that the damage suffered is not necessarily due to the intervention against this irregularity.

6.3 If Fracarita Belgium would suffer greater harm through the alarm to a Third Person, the indication of irregularity should be proportionate in relation to the harm that its disclosure might cause.

## **Article 7, The Confidential Advisor or Contact Person**

7.1 The employee may first report the indication of an irregularity to a confidential contact person or consultant within Fracarita Belgium, if the employee does not wish to report the matter directly to his/her Hierarchical Superior, in order to obtain confidential advice.

7.2 The Confidential Advisor or contact person or counsellor is bound to secrecy and must only undertake a whistleblowing procedure in urgent cases. In all other cases, an internal whistle-blower procedure shall only be undertaken by informing the employee concerned in the first instance.

## **Article 8, Legal protection**

8.1 The employee who has reported the indication of irregularity after observing the articles of these regulations, who has acted honestly and who has no personal benefit from the irregularity or the emergency signal, may not be penalised for this fact.

8.2 In accordance with these regulations, the Confidential Advisor or contact person referred to in Article 1 may not be penalised in the performance of his duties.

## **THE COMPLAINTS PROCEDURE FOR THIRD PARTIES**

Fracarita Belgium wishes that all receiving parties, internal as well as external, are satisfied about its services and would like to be informed about mistakes or problems. Therefore, Fracarita Belgium develops and proposes its complaints procedure.

The aim of this procedure is to allow Fracarita Belgium to be informed of the problem or the complaint in order to find an appropriate solution. This procedure aims at allowing Fracarita Belgium to improve the quality of its services and at giving everyone the opportunity to make suggestions to optimize its services.

### **What to complain about?**

Fracarita Belgium wishes to be kept informed by the parties concerned:

- if they are not satisfied with its procedures
- if Fracarita Belgium, in their opinion, does not meet the agreements or expectations
- if they have a problem because of a failure of Fracarita Belgium
- if they notice inaccuracies.

### **How to complain?**

Complaints can be lodged by e-mail ([klachten.fracarita@broedersvanliefde.be](mailto:klachten.fracarita@broedersvanliefde.be)) to the Complaints Manager (whose name is mentioned on the Fracarita Belgium website, <https://fracarita-belgium.org/> on the page concerning our commitments on integrity) or by post to the contact person within Fracarita Belgium (idem) or to the Hierarchical Superior of the latter or to a member of the Government Body if the reason for the complaint is the Coordinator. Complaints are treated in a confidential manner.

### **What's next?**

Within a period of four weeks, Fracarita Belgium will send a written answer by e-mail or by post. If not, Fracarita Belgium will contact the person concerned or any other useful person by phone or by email for further information. The complaint will be treated by the contact person or his/her hierarchical superior.

### **How to lodge an objection?**

If the party concerned does not agree with the decision taken by Fracarita Belgium, it can lodge an objection. It submits this objection in writing to Fracarita Belgium within four weeks after the first decision taken by Fracarita Belgium with regard to the complaint. The objection will be treated by the contact person or his/her hierarchical superior. A written answer will be given within six weeks.

### **The Complaints Committee**

It is possible that the receiving party is not satisfied with the way the complaint has been handled. It may then ask to have the complaint heard by the Complaints μcommittee (see below). The aim of this commission is to give an impartial opinion in order to resolve complaints about individuals or this dissatisfaction.

### **Suggestions**

The receiving party can always pass on suggestions to the contact person within Fracarita Belgium or to his/her hierarchical superior. Within six weeks, this person will inform the complainant about the steps taken with regard to the suggestions.