

## CODE OF CONDUCT FOR ECHO NATIONAL STAFF

### **I. INTRODUCTION AND SCOPE OF APPLICATION**

This code of conduct (hereafter "code") is part of the contract and binding for national staff employed by the European Commission's Directorate-General for Humanitarian Aid and Civil Protection ("ECHO"). Whilst this code applies primarily to their professional life, it extends to their private life insofar as behavior outside working hours may have a potential impact on the reputation of the employer. This is, however, without prejudice to the dispositions of national law which, in any case, prevail.

The clauses of this code are complemented by the relevant articles of the Framework rules laying down the general conditions of employment of national staff employed by ECHO governing their employment contracts (hereafter "framework rules"), as well as by the applicable dispositions under national law.

National staff shall contact the head of office, the (functional) head of unit, the administrative coordinator ("AC"), the Human Resources Focal Point ("HRFP") or the headquarters focal point(s) ("HQ focal point(s)") for guidance if they find themselves in a situation of doubt in relation to the provisions of this code of conduct.

### **II. PRINCIPLES OF STAFF ETHICS AND CONDUCT**

#### **1. Respect and dignity**

1.1 National staff shall refrain from any action or behaviour which might reflect adversely upon their position. This obligation is intended to preserve the integrity and reputation of the European Commission ("Commission") and its staff. It therefore goes beyond the actual exercise of his function and extends to conduct in his private life, including events occurring before recruitment by the Commission.

The Commission is entitled to expect nothing less than irreproachable conduct from its staff. Without prejudice to national law, this particularly high level of conduct demanded of national staff justifies the sanctioning of behaviour likely to be perceived, both inside and outside the Commission, to be inappropriate on the part of staff of the Commission.

1.2 National staff shall respect the needs, rights and dignity of all individuals and shall treat every individual equally and respectfully. They will commit to protect the most vulnerable, including women and children, and will abstain from committing direct or indirect discrimination based on nationality, race, skin colour, ethnic origin, gender, political, philosophical or religious opinions, sexual orientation, civil status, age, state of health, wealth, language, disability or other grounds.

1.3 National staff must take into account the particular customs, habits, and religious beliefs of individuals and avoid any behaviour that is not appropriate in a particular cultural context, without prejudice to international laws and human rights frameworks.

## **2. Loyalty and impartiality**

2.1 National staff has the right to freedom of opinion and freedom of expression. However, they should respect at all times the principles of loyalty and impartiality.

The duty of loyalty includes the obligation to refrain from conduct detrimental to the dignity of the function and respect due to the Commission. The national staff must hence conduct himself in a manner that is above suspicion so that the relationship of trust between the Commission and staff is at all times maintained.

National staff must be impartial, which means that they must weigh opinions in a balanced manner and avoid taking any positions not in line with their contractual obligations. This means that their approach should be unbiased.

## **3. Independence**

3.1 National staff shall fulfil their obligations completely independently of third parties and in particular of private companies and other organizations with which they may be required to deal in the performance of their duties, as determined in Chapter VIII of the Framework rules.

3.2 National staff's conduct and decision-making should be determined by the need to serve the common good and the public interest to the exclusion of every other interest.

3.3 National staff shall in all circumstances respect the humanitarian nature of ECHO's mandate. This must be reflected in their everyday conduct. They must fulfil all official duties with integrity, abstain from dishonesty and corruption and refuse to engage in any act of favouritism, nepotism or bribery.

## **III. BEHAVIOUR AT WORK**

### **1. Equipment, information and confidentiality**

1.1 National staff must treat all property and documents of the Commission with care and attention, including telecommunications and audio-visual equipment used by them, as defined in Chapter VIII of the Framework rules.

1.2 The Commission's computer equipment, email, internet access, telephones, mobile phones and fax equipment (ICT) are intended for professional use. Private use of this equipment is allowed under the conditions previously established by ECHO. The Commission's ICT services may not be used for illegal or irregular purposes, nor may they be used in a way that might disrupt the functioning of the service itself, or in a manner contrary to the interests of the

European Union.

On termination of the employment contract, all equipment, material and documents, including the reports drafted by the national staff, must be returned to the Commission.

1.3 National staff is responsible for maintaining electronic files and archives in a responsible manner. Information that might be considered illegal, offensive or inappropriate must under no circumstances be processed, downloaded, stored or disseminated. In particular, national staff will not produce, procure, distribute or use pornographic material in ECHO offices or on Commission equipment, including reading or surfing to pornographic websites or message boards or sending emails with pornographic content.

1.4 National staff must exercise maximum discretion with regard to all the facts and information made known to them during or concerning the performance of their functions. This obligation to exercise discretion remains after termination of their activity. They may under no circumstances disclose or use for their personal benefit information in their possession following their employment by the Commission.

In particular, national staff will not unduly release any confidential information related to their work (e.g. sensitive information, such as reports from survivors of gender-based violence).

1.5 National staff will ensure that the portrayal of beneficiaries of ECHO-funded actions and their circumstances is fairly represented in terms of their capacities and vulnerabilities. All efforts must be made to explain how photos and stories will be used and to obtain permission from the beneficiaries for the use of their photos and stories.

1.6 National staff will exercise necessary caution and discretion with regard to political or military matters in official or private communications, including telephone calls, radio messages, e-mails and letters.

## **2. Harassment, sexual exploitation and sexual abuse**

2.1 National staff shall refrain from any form of psychological or sexual harassment.

"Psychological harassment" means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity, physical or psychological integrity of any person.

"Sexual harassment" means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment.

2.2 Sexual exploitation and sexual abuse violate universally recognized international human rights standards, are a criminal offence in many countries and are unacceptable behaviour for Commission staff. ECHO applies zero tolerance on sexual abuse.

"Sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

"Sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."<sup>1</sup>

2.3 National staff will not commit any act of sexual exploitation or sexual abuse. This prohibition extends to all forms of sexual exploitation and sexual abuse, in line with the IASC Five Core Principles Relating to Sexual Exploitation and Abuse:

- Sexual exploitation and abuse by national staff constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity with individuals under the age of 18 or under the local age of consent is prohibited. Mistaken belief regarding the age of an individual is not a defence.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
- Where a national staff develops concerns or suspicions regarding sexual abuse or exploitation by any other staff member, he or she must report such concerns via established reporting mechanisms.
- National staff is obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of this code. National staff with responsibility for other staff -such as antenna focal points, human resources focal points, supervisors etc.- have particular responsibilities to support and maintain this environment.

2.4 The above-mentioned standards are not intended to be an exhaustive list. The related prohibitions cover the use of sex trade workers and child pornography. Other actions not explicitly mentioned can, without prejudice to applicable dispositions under national law, constitute grounds for disciplinary action, provided that they consist of an act of sexual exploitation and abuse.

### **3. Work environment and security**

3.1 National staff must act with caution not to endanger their own safety or that of their colleagues or third parties.

3.2 National staff must comply with the ECHO handbook on safety and security in the field, as well as with any other security procedures or instructions that may be issued.

3.3 National staff will exercise care with alcohol and must avoid using other intoxicating

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<sup>1</sup> UN Secretary-General's Bulletin on protection from sexual exploitation and abuse (PSEA) ([ST/SGB/2003/13](#))

substances.

National staff shall at no time use or have in their possession any intoxicants prohibited under local law.

National staff will under no circumstances drive a vehicle under the influence of alcohol or any intoxicants.

#### **IV. INDIVIDUAL OBLIGATIONS**

##### **1. Avoidance of conflict of interest**

1.1 National staff must take all the necessary precautions to avoid possible conflicts of interest or even the appearance of a conflict of interest. A conflict of interest arises when the impartial and objective exercise of an individual's functions is compromised by economic interests, political or national associations, family or emotional ties, or any other interest shared with another party.

1.2 National staff may not engage in a private professional activity of any kind. This general prohibition on dual jobholding applies to all staff members, regardless of their work schedule. In exceptional cases and only with prior formal authorization, national staff may engage in professional activity outside the workplace during their private time, under the conditions laid down in Chapter VIII of the Framework rules.

1.3 National staff will not accept any honours, decorations, favours, gifts or payments from any government or any other source outside ECHO without prior authorization, except for minor items of appreciation with a value up to EUR 50. However, any sum of money must always be refused.

1.4 Should any potential conflict of interest arise in the execution of their duties, national staff will refrain immediately from dealing with the relevant files or source of the conflict of interest and must inform the head of office, the (functional) head of unit, the HRF, the AC or the HQ focal point(s).

##### **2. Respect for laws and practices**

National staff will respect any law and practice applicable to them, without prejudice to international laws and human rights frameworks. National staff is responsible for ensuring that they are well informed about regulations, in particular employment, customs, taxation and monetary regulations, as stated in Chapters VII and VIII of the Framework rules.

##### **3. Obligation after leaving the service**

Even after leaving the service, national staff must behave with integrity and discretion. Former national staff should not accept any duties or professional activities after leaving the service that would be incompatible with the interests of the European Union. If a national staff is

intending to engage in an occupational activity within the remit of ECHO's mandate, whether paid or unpaid, within two years of leaving the service, he or she must inform the Commission.

## **V. REPORTING**

1.1 National staff has the duty to inform stakeholders with whom ECHO works of the code of conduct, including how and to whom they can report any misconduct or failure committed by ECHO staff.

1.2 National staff will report any known or suspected cases of misconduct to one of the following actors: their head of office, (functional) head of unit, the unit responsible for the field network, the unit responsible for audit and finances, the Director-General of ECHO, the AC, the HRFP or the HQ focal point(s) for this code of conduct. In any case, if national staff considers it to be safer to bypass the normal chain of hierarchical command, they are able to do so. In case of serious professional wrongdoings, and particularly those that may be detrimental to the financial interests of the European Union, national staff may choose to inform the Secretary-General of the Commission or OLAF directly.

Any of the above contact persons will ensure that the complaint is properly investigated and appropriate action is taken. When heads of office, heads of unit, the unit responsible for the field network, the unit responsible for audit and finances, the Director-General of ECHO, the AC or the HRFP are contacted, they are responsible for informing the HQ focal point(s).

1.3 If national staff suspects of sexual exploitation and abuse committed by partners, other donors, contractors or consultants, whether committed in or outside an ECHO project, these should also be reported internally as well as to any inter-agency mechanism possibly available in the location of the incident.

1.4 A national staff shall not suffer any prejudicial effects or retaliation as a result of having communicated such information mentioned in 1.2 and 1.3, provided that he or she acted reasonably and honestly. Whistle-blowers will be protected and their identity will remain confidential if they so desire.

Malicious or frivolous denunciations will not be tolerated.

All complaints shall be dealt with in a confidential manner in order to protect the rights of those involved. The rights of defense of any person implicated by the reported incidents will be respected.

The HQ focal point(s) and a back-up will be trained to be able to adequately deal with the issues covered by this code, in particular complex issues such as sexual exploitation and abuse.

## **VI. PROCEDURE AND SANCTIONS**

Any failure to comply with this code, whether intentionally or through negligence shall make national staff liable to disciplinary action in accordance with their employment contract, its annexes and local law.

Breaches of this code can in like manner be considered as serious misconduct, leading to dismissal.

Breaches of this code might furthermore lead to legal action, subject to national law.

Intentionally false accusations and reports are seen as a breach of the code of conduct and might be subject to disciplinary action.

For further details about the procedure and sanctions, please refer to Chapter IX of the Framework rules.

### **Acknowledgement**

I \_\_\_\_\_ , confirm that I have read and understood this code of conduct, and I agree to abide by its terms.

Place

Date

Signature