



## ORGANIZATIONAL POLICY

### IRC ANTI-BRIBERY POLICY

Policy Owner: Office of General Counsel

Origination Date: March 2012\*

Revision Date: September 2018

Approved by: President

*\*This policy is based on, and supersedes, the related section of the March 2012 Transactional Compliance Policy*

#### **PURPOSE:**

As a U.S.-based organization operating in countries throughout the world, IRC is subject to certain anti-bribery laws, rules and regulations (the "Anti-Bribery Laws") related to its international business activities and transactions, including, but not limited to, the U.S. Foreign Corrupt Practices Act of 1977, as amended (the "FCPA"), and the U.K. Bribery Act 2010 (the "UKBA"). IRC is committed to full compliance with the above-referenced laws and all other relevant laws and regulations. Accordingly, IRC has adopted this Anti-Bribery Policy (the "Policy"), which sets out the responsibility of those working for and with IRC in observing and upholding our zero-tolerance policy on bribery and corruption.

The Policy applies to International Rescue Committee, Inc. and its affiliates (collectively, "IRC"), IRC's offices, persons, directors, executives, employees, independent contractors and third parties with whom IRC works or that represent IRC in any capacity (together with IRC, "IRC Persons") and program activities worldwide regardless of the source of program funding.

The principles contained in this Policy apply in all countries where IRC operates, even if these principles are more stringent than local law, including local Anti-Bribery Laws. Where local laws are more stringent than this Policy, then IRC must also comply with those laws. Given their nature, some Anti-Bribery Laws may require additional training and/or certifications of compliance.

Violations of this Policy will result in appropriate disciplinary action, which may include employment termination, such other remedial or punitive action as shall be appropriate under the circumstances, and/or referral to law enforcement for civil or criminal charges.

## **POLICY:**

The IRC prohibits the making, offering, promising, or authorizing of a payment or “Anything of Value<sup>1</sup>”, directly or indirectly, to any persons, including Public Officials<sup>2</sup>, for the purpose of influencing any act or decision of a Public Official, or to secure an unfair business advantage or to obtain or retain business. Any such transaction is considered an “improper payment.”

### **Bribery**

IRC is committed to complying with all Anti-Bribery Laws. Anyone acting for or on behalf of the IRC is prohibited from receiving corrupt payments and directly or indirectly making, offering, authorizing, or promising a payment or Anything of Value to any persons, including Public Officials, for the purpose of influencing any act or decision of a Public Official, or to any third person while knowing or being aware of a probability that the payment or thing of value will be passed to a Public Official; or to secure any improper business advantage in order to obtain or retain business.

- Examples of prohibited activities include, but are not limited to:
  - bribing a Public Official to obtain or renew registrations, permits, or certifications or to circumvent a licensing or permit requirement; corruptly paying excessive travel expenses for a Public Official;
  - paying or receiving a kickback, in which a portion of the revenue from a sale, a contract or some other amount is secretly returned to the person, or his or her designee, who influenced the award of such sale, contract or other benefit;
  - making such improper payments through intermediaries; and improper acceptance of payments from a vendor for the purpose of securing IRC business for that vendor; and
  - Commercial corruption: improper payments made or received in a commercial, non-governmental context.
- IRC staff are prohibited from corruptly receiving anything of value from a public or private individual or entity.

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<sup>1</sup> “Anything of Value” refers to: cash and cash equivalents (e.g., checks, money orders, gift cards), gifts, entertainment, meals, travel, accommodations, education, and anything else of tangible or intangible value (e.g., a job offer, a loan or the use of equipment) no matter how small or de minimis, except for low value IRC-branded promotional materials (such as brochures, pens, or business cards).

<sup>2</sup> “Public Official” is a broadly defined term that includes any public official, officer, employee or agent of a government or any department, agency, or instrumentality thereof, including any state-owned or controlled entity, including state-run health care facilities and educational institutions; any director, officer or employee of a public international organization; any person acting in an official capacity for or on behalf of any government, department, agency, or instrumentality thereof or public international organization; members of a royal family or military, any political party, official thereof and any candidate for political office.

- There are circumstances where IRC must by written law pay for the services of Public Officials, e.g., customs clearances or visits from the environmental regulators. IRC expects such officials to fulfill their legal and regulatory duty and that any fee paid has a legal basis. Where possible, documentary evidence of the necessity for these payments should be obtained by IRC Persons before any such payment is made together with a receipt. IRC Persons must not make additional payments or gifts to public officials.
- IRC will provide its full support to anyone refusing to make a payment prohibited by this Policy, regardless of the inconvenience, loss of business or extra costs involved for IRC. However, in all circumstances, you must not take any step which is likely to endanger either you or another person's health and safety.

### **Facilitation Payments**

- Facilitation payments are payments made to secure or expedite the performance of a routine action by a public official or agency (e.g., issuing licences or permits, processing goods through customs). Such payments are also known as grease or speed payments. Such payments include the payment of nominal amounts or amounts that are “normal” practice in the country in question. Facilitation Payments are prohibited by this Policy, except in circumstances where IRC Persons are forced to make such a payment under threat. In situations where IRC persons are intimidated or threatened by the request for a Facilitation Payment, they should not put themselves at risk and should make the payment. In the event that a facilitation payment is made, it must be reported immediately pursuant to the IRC Global Reporting Guidelines to ensure the payment is recorded clearly in our financial records.

### **Gifts and Hospitality, and other Potential Conflicts of Interest**

- IRC Persons shall not use gifts, hospitality or entertainment to:
  - Obtain an improper business advantage;
  - Influence any business decision improperly;
  - Manipulate the judgement of the recipient; or
  - Create a sense of obligation to treat IRC favorably.
- Where IRC Persons organize events or disseminate promotional materials for the purpose of promoting IRC’s international activities and projects, such activities must be for the sole purpose of promotion or the exchange of business information.
- IRC maintains Conflict of Interest Policies for both employees and for directors, officers, and key persons. Please refer to those specific policies for details on guidance on conflicts of interest, as well as reporting requirements for gifts and hospitality.

### **Controls**

- IRC shall maintain reasonable financial controls and procedures to detect and prevent the occurrence of financial impropriety, including bribery.

## **REPORTING:**

A willful failure to report bribery or improper payments may be construed as aiding and abetting the wrongdoer. In addition to disciplinary action and/or termination of employment, violations of this Policy may result in civil liability for the wrongdoer and/or criminal prosecution. IRC Staff members are required to report violations of this Policy and suspicions of criminal activity in relation to any transactions or contact with other IRC Staff or third parties. Reports should be made in accordance with the IRC Global Reporting Guidelines.

IRC has adopted a zero-tolerance standard with respect to the conduct that violates this Policy. IRC will fully support any IRC Staff member who declines, in good faith, to engage in conduct that would place IRC's ethical principles and reputation at risk.

IRC prohibits retaliation against any IRC Staff who raises concerns in good faith, in accordance with IRC's Anti-Retaliation and Reporter Protection Policy. Any instances of retaliation should be reported to the Ethics and Compliance Unit ("ECU"). The IRC takes allegations of retaliation seriously and will thoroughly investigate all claims. If retaliation occurred, appropriate disciplinary action will be taken against the retaliating party, up to and including termination.

## **REVIEW:**

This Policy will be reviewed periodically by the Office of General Counsel with any recommendations for revisions to be presented to the Policy Review Committee and the President for approval.

## **Contact Information:**

If you have any questions regarding this Policy, please contact the Office of General Counsel.

## **Related Documents/Guidance:**

- The IRC Way: Standards for Professional Conduct
- IRC Fiscal Integrity Policy
- IRC Global Reporting Guidelines
- IRC Conflict of Interest Policy for Employees
- IRC Conflict of Interest Policy for Directors, Officers, and Key Persons