



Code of Conduct

I. Scope of application

This „Code of Conduct“ applies to all staff, trainees, interns, visiting interns, legal trainees and the members of the Management Board. For ease of readability, these individuals will hereinafter be referred to collectively as the ‘workforce’. These regulations also apply to members of the workforce on leave of absence from their employment with GIZ.

It also applies mutatis mutandis to development workers and integrated experts, meaning that it is incorporated into individual contractual agreements in a form specifically adapted to this group.

II. General principles

GIZ complies with the legislation and regulations of the Federal Republic of Germany and the partner countries in which it operates. It also requires its workforce and partners to do the same.

The workforce meets all **contractual obligations** towards third parties and observes **voluntary commitments** and **policies** of the company.

It acts in accordance with the **GIZ Code of Ethics** and is guided in its thinking and actions by the **GIZ Corporate Principles**.

III: Regulations on corruption and conflicts of interest

All forms of **active and passive bribery** are prohibited. It is not permissible to offer or grant **improper advantages** or to arrange for such advantages to be granted, either directly or indirectly. In business contexts it is likewise prohibited to request or accept improper personal advantages, whether directly or indirectly. All members of the workforce are required to familiarise themselves with and comply with the applicable national legislation regarding anti-corruption (e.g. advantages for public officials, limits on the value of gifts, etc.). Care must be taken to avoid giving even the slightest impression of the improper exertion of influence.

The workforce must ensure that **conflicts of interest** are dealt with appropriately. In particular, business and private matters need to be kept separate.

If a conflict of interest exists already or if a potential conflict becomes apparent, the members of the workforce concerned must be **transparent** in informing their manager accordingly. The manager must ensure that the conflict of interest does not impact upon business decisions.



1. Prohibition of active corruption – Gifts and advantages to third parties and facilitation payments

It is prohibited for workforce members to bribe others, to offer improper advantages or to arrange for such advantages to be granted, directly or indirectly. Workforce members are careful to ensure that they avoid even the slightest impression of the improper exertion of influence. Workforce members are also prohibited from receiving bribes or improper advantages from third parties (e.g. agents, suppliers, other contractors).

If an agreement is to be concluded for the purpose of forming a business relationship (e.g. via an acquisition agent or insurance broker), the workforce member must notify the Procurement and Contracting Division of this in advance. The division ensures that remuneration is appropriate and countersigns the service provision.

a) Giving gifts and granting advantages to third parties (P+R rule ID-542)

Workforce members must observe the following when giving gifts and granting other advantages to third parties in a business context to ensure that these gifts and advantages are permissible:

- Gifts and advantages are only permitted as an act of courtesy.
- Gifts and other advantages must not give the appearance of dishonesty, impropriety or indebtedness.
- Gifts and other advantages may not exceed a current market value of EUR 35 per receiver and year.
- It is not permitted to gift cash or vouchers, regardless of the amount.



Specified deviation

- Hospitality is not subject to the EUR 35.00 limit, provided the Rules on Hospitality and Company Events stipulate a different value. It must be ensured here that no impression is given of undue influence.
- If a threshold of less than EUR 35 is appropriate in a partner country, the country director decides the permissible current market value of gifts or other advantages, in line with national law.
- If relevant national legislation or specific directives from donors or cooperation partners are stricter than this rule, the stricter rule applies.



Useful knowledge

- Special sensitivity is required in dealings with public officials. The local legal situation often prohibits the granting of any advantages to such officials. This must be clarified in advance and the relevant legislation observed.
- Care should be taken when granting sponsorship to government authorities in particular to ensure that there is no hidden and improper granting of advantages.
- If there is any uncertainty, gifts and advantages should not be given/granted.



b) Facilitation payments (P+R rule ID-543)

Employees may not, as a matter of general principle, pay facilitation payments or arrange for it to be paid by third parties.



Specified deviation

- If it is necessary to pay facilitation payments to protect legal rights of a higher order (especially life and limb) the employees concerned must obtain approval from the line-managing director of division (AL). If this is not possible (and there is imminent danger), the payment must be reported retrospectively to the director of division without delay.



Useful knowledge

- The Compliance and Integrity Advisory Services can provide advice on whether payment of facilitation payments may be justified in a particular case, and especially on whether there is a threat to legal rights of a higher order that necessitates such payment for their protection.

Advantages are all benefits to which no entitlement exists and which constitute a better economic, legal or personal position for the recipient or someone close to the recipient (e.g. spouse or business partner, child, friend). These include free or reduced-price (private) travel, the use of vehicles, admission tickets, individual discounts, entertainment or hospitality of significant value, entry into consultancy agreements, etc.).

Facilitation payments: Facilitation payments refer to illegal payments made to public officials (usually in relatively subordinate positions) in order to speed up an official procedure. The term is used in the context of official actions to which the giver (of the facilitation payments) is legally entitled (e.g. customs clearance).

Public officials: The term 'public official' originates in criminal law. It includes civil servants, judges and other office holders under public law (e.g. ministers or deputy ministers) or persons entrusted with tasks in public administration (e.g. election supervisors and also employees of a limited company insofar as they perform public administration tasks).



2. Prohibition of passive corruption – Gifts and advantages from third parties (P+R rule ID-544)

Members of the workforce are prohibited from soliciting or accepting impermissible personal gifts or advantages in a business context for themselves or persons closely connected with them, whether directly or indirectly

If workforce members accept gifts and other advantages, they must ensure these are permissible by complying with the following:

- It is only permissible to accept gifts and other advantages as an act of courtesy. Members of the workforce must reject or return any impermissible gifts or other advantages, provided this does not cause any significant issues with regard to showing courtesy and respecting typical local customs.
- The acceptance of gifts or other advantages must not give the appearance of dishonesty, impropriety or indebtedness.
- Gifts and other advantages may not exceed a current market value of EUR 35 per giver and year.
- Cash or vouchers must never be accepted, regardless of the amount.

Gifts and advantages with a value exceeding EUR 35

- If workforce members are offered or given a gift or other advantage worth more than EUR 35, they must inform their line manager of this in writing.
- If workforce members cannot reject a gift or other advantage, then it should be used by GIZ. It is generally impermissible to make personal use of a gift/advantage or to contribute it to a workforce prize draw.

Staff discounts

- Workforce members are permitted to accept staff discounts from third parties provided these are granted equally to the entire workforce at the location or business premises.
- The director general of the Human Resources Department or the country director decides which staff discounts are to be granted equally to the entire workforce at the location or business premises. Discounts that have the potential to influence business decisions are not permitted.

Accepting hospitality/invitations

- Accepting a one-off offer of food and drink with a value of up to EUR 35 is considered appropriate in principle. If invitations are repeated or worth a larger amount, this could create the appearance of undue influence, and the immediate line manager must be informed in writing (in advance if possible, otherwise retrospectively). The line manager decides whether the invitation or potential future invitations can be accepted.

Assumption of travel expenses and/or costs for attending events

- Travel expenses and/or costs for attending events as part of business travel by workforce members may only be assumed by third parties in accordance with the regulations governing the reimbursement of travel expenses.



Individual exceptions

If, in special circumstances, a gift or other advantage is to be used personally, the workforce member must first obtain the approval of the Compliance and Integrity Advisory Services and responsible manager (at divisional or corporate unit level or higher). The workforce member must report the acceptance and approval of the gift to the unit responsible for salary payments.



Useful knowledge

- The reason for reporting gifts or advantages worth more than EUR 35 is that it alerts the line manager to the possibility that there may have been an attempt at bribery, which may be repeated with other members of the workforce.
- Assessing whether a gift/advantage or hospitality is appropriate or should be accepted out of courtesy is a matter of interpretation. If there is any uncertainty, the issues must be discussed and clarified. The Compliance and Integrity Advisory Services can be consulted on this
- If in doubt, the gift or advantage must be refused.
- The Compliance and Integrity Advisory Services keep a record listing all gifts/advantages worth more than EUR 35 and the recipients of the gifts
- The Compliance and Integrity Advisory Services can provide advice on permissible ways in which GIZ can use a gift.
- In the event of personal use, the value of the gift/advantage must be taxed as a benefit in kind. The only exceptions are where the giver of the gift/advantage has already paid flat-rate tax or the gift is a giveaway promotional item worth less than EUR 10. Workforce members must ensure that tax is paid (by declaring the gift/advantage in their tax return or reporting it to the responsible salary officer).

“**Staff discounts**” are all discounts granted to members of the workforce on the basis of their connection with GIZ, that is, not on a purely private basis. These may include discounts on private hotel bookings, flight bookings or purchases.

3. Dealing with personal conflicts of interest and financial connections (P+R rule ID-548)

The workforce must ensure that conflicts of interest are dealt with appropriately. Specifically, this means that:

- If a conflict of interest exists or if such a conflict of interest is emerging, workforce members must be transparent about this with their manager. It is up to the manager to decide whether Compliance and Integrity Advisory Services needs to be involved.
- Workforce members shall inform their manager and Compliance and Integrity Advisory Services in writing if a conflict of interest arises on account of financial or other involvement – including indirect involvement – or personal connections to a project or business partners, competitors (including bodies or employees of such organisations) or target groups.
- This shall also apply if such a connection exists to persons who are closely connected to workforce members.



- Workforce members must inform their manager and, if applicable, Compliance and Integrity Advisory Services immediately when they become aware that business is being initiated/there is a potential conflict of interest
- The workforce member and manager ensure that persons who are subject to such a conflict of interest do not exert any influence on related business decisions. They are not allowed, for example, to be involved in decisions regarding relevant contract award procedures, in negotiating and drawing up contracts and approving work that has been carried out.
- In this context, the workforce member and manager make sure that no appearance of undue influence is given.
- Workforce members are only allowed to award contracts to organisations or persons with whom they have a personal or financial connection if a conflict of interest can be excluded or if risk-reduction measures make it unproblematic. The same applies to a situation where a workforce member is to recruit or manage a person to whom they have a close personal or financial connection.
- The manager decides whether there is a conflict of interest and whether the employment/contract award is permissible or only with specific risk-reduction measures.
- Employment/awarding contracts to closely connected persons is never permissible if it means that they would be in a business relationship with one another that allows them to make decisions that affect the other party regarding the exchange of services (e.g. terms of reference, acceptance of services, performance appraisals). In particular, employment in a direct management line between closely connected persons is generally not possible.
- The manager documents the conflict and how it is dealt with it and informs Compliance and Integrity Advisory Services about this in writing.

Individual exceptions

The Director general of the Human Resources Department can approve an individual exception to this rule in cases of employment.

The Director general of ELVIS can approve an individual exception to this rule in cases of contract awards.



Useful knowledge:

- In addition to the circumstances in question, when dealing with conflicts of interest attention the external impact must also be considered.
- **Extra-contractual** activities may trigger a conflict of interest. Whether these are permissible depends on the relevant collective agreement and the Human Resources Department's regulations. Please note Rule 378 (approval of and information about extracontractual activities).



A **conflict of interest** arises when a person or institution is no longer able to act impartially in situations involving mutually exclusive obligations, ties or objectives. It is not always possible to prevent conflicts of interest from arising

Closely connected persons are: spouses, lifetime partners, relatives (of the member of the workforce or of the spouse or lifetime partner) and persons living in a joint household with the member of the workforce.

4. Referrals to Compliance and Integrity Advisory Services and the whistleblower system

All members of the workforce are required to contact Compliance and Integrity Advisory Services or the external ombudsperson if they have information about possible infringements of the Code of Conduct or suspect a criminal offence has occurred in a business context (e.g. fraud, embezzlement, misappropriation, document forgery), or to report their suspicions via the whistleblower portal. GIZ considers managers and members of the workforce whose tasks include prevention of corruption to have a particular responsibility here.

If workforce members are uncertain – where appropriate after consulting their line manager – whether a proposal is compatible with the “Code of Conduct”, they can consult Compliance and Integrity Advisory Services. This applies in particular to giving or accepting gifts and other advantages with a value exceeding EUR 35, and to situations where there is a conflict of interest that has not been resolved and documented by line management.

GIZ will examine all information carefully and confidentially. All allegations must be conclusive and, where possible, based on solid evidence.

If workforce members identify a weak point affecting compliance, they must report this to their line manager. The Compliance and Integrity Unit must be informed of any infringements of criminal law, serious breaches of P+R and any other compliance-related matters that pose significant structural compliance risks to GIZ, even if there is no indication that these are linked to individual misconduct



Useful knowledge:

GIZ has a **system for reporting information (whistleblowing)** and obtaining advice on compliance-related and integrity-related issues that is available to workforce members and third parties.

- Compliance and Integrity Advisory Services offers a point of contact for people seeking advice on the “Code of Conduct” or wanting to report infringements of the Code. They provide independent expert advice. If requested to do so by a whistleblower, the advisors will do all they can to ensure the whistleblower’s anonymity. GIZ ensures that people who provide information in justified cases do not suffer any disadvantage as a result of doing so, unless the whistleblower has infringed the “Code of Conduct” or other regulations.



- Compliance and Integrity Advisory Services initiates an internal GIZ investigation of all plausible reports of misconduct. The units carrying out the investigation inform Compliance and Integrity Advisory Services proactively of the results of their investigation into the material facts and the proposed measures/ consequences. In addition, Compliance and Integrity Advisory Services has the right to demand and receive information on the current status at any time. If Compliance and Integrity Advisory Services considers the investigation and/or the consequences to be inadequate, they can demand improvements and inform the Management Board.
- An **external ombudsperson** is available to **contact outside the company**. By virtue of their role as a legal professional, the ombudsperson is subject to a confidentiality obligation in all dealings with GIZ and maintains the utmost secrecy when receiving information on economic criminal activity (e.g. corruption, embezzlement/fraud), but also on other company-related crimes and rule violations. The reported information must be related to GIZ. The ombudsperson only contacts GIZ and forwards the reported information with the whistleblower's consent. Where necessary, this can also be done anonymously.

Contact details of the compliance and integrity advisors and GIZ ombudsperson:



Compliance and Integrity Advisors:
integrity-mailbox@giz.de



Externe Ombudsperson, Dr. Edgar Jousen:
ombudsmann@ra-js.de or by phone on +49 30-3151870.



The **whistleblower portal** can be used to report serious infringements of GIZ's "Code of Conduct", internal company regulations or legislation. Any information reported is examined carefully and treated confidentially. [[GIZ whistleblower portal](#)].

Action against misconduct:

- GIZ deals rigorously with infringements of these principles (zero tolerance approach).
- All plausible reports of misconduct are followed up and the material facts identified as far as possible.
- Every instance of non-compliance is investigated in relation to employment law and criminal law in order to assess the severity of misconduct in each case, identify the appropriate action to be taken under employment law and decide whether to bring criminal charges.



5. Mandatory compliance and integrity training (P+R rule ID-552)

All members of the workforce with a GIZ email address must complete the web-based compliance and integrity training (basic compliance module) within the first 100 days of their employment. This training must be repeated every three years at the latest. In addition, managers must complete the web-based compliance module for managers in the same time frame.

Managers must ensure that members of the workforce for whom they are directly responsible complete the web-based compliance and integrity training within the specified periods/at the correct intervals.

For all national staff (NMA) who cannot participate in the web-based compliance and integrity training (for example, because they do not have access to a computer or have insufficient knowledge of the particular language), the country director must arrange for them to attend face-to-face training. The face-to-face training covers the following three topics: GIZ's "Code of Ethics", "Corruption prevention and conflicts of interest" (both key components of the "Code of Conduct"); and "Equal treatment and anti-discrimination".

Workforce members are required to participate in additional training courses on topics related to compliance and integrity if this is deemed necessary by GIZ or the workforce member's manager.

* Note:

Probably in the third quarter of 2022, the current basic compliance module will be supplemented by the topic 'Code of Ethics'. An additional offline version of the course on the three aforementioned topics will also be made available in English, German, Spanish and French versions, for use in face-to-face settings. If required an interpreter might be also called in to help conduct the course.

Published by:
Deutsche Gesellschaft für
Internationale Zusammenarbeit (GIZ) GmbH

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Bonn and Eschborn, Germany

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Date of publication 12-2021

Responsible:
Stabsstelle Compliance und Integrität

Design/Layout:
Warenform, Berlin

Photo credits:
R. Maro, Berlin