

CODE OF CONDUCT FOR TBC REPRESENTATIVES AND PARTNERS

This Code of Conduct is specific to those groups or individuals who are engaged by TBC to carry out various aspects of the TBC programme. The term ‘representative’ encompasses Board Members, contractors, TBC camp-based stipend staff, consultants, suppliers, service providers, inspectors, interns, volunteers, and the TBC camp-based stipend staff. In addition, this Code of Conduct applies to individuals or groups who visit the camps under the auspices of TBC. **Note that there is a separate Code of Conduct for TBC staff.**

INTRODUCTION

In accordance with the mission and practice of The Border Consortium (“TBC”) and principles of international law and codes of conduct, all TBC representatives, TBC-arranged visitors to camps and beneficiary communities, are responsible for promoting fundamental human rights, social justice, human dignity, and respect for the equal rights of men, women, and children. While respecting the dignity and worth of every individual, TBC representatives and visitors must treat all persons without distinction regardless of an individual’s race, gender, religion, national or ethnic origin, marital status, sexual orientation, age, or disability.

TBC representatives and visitors commit that they will:

- Always strive to treat all persons with respect and courtesy in accordance with applicable international and national conventions and standards of behaviour;
- Never intentionally commit any act or omission that could result in physical, sexual or psychological harm to the beneficiaries¹ we serve, or to their fellow workers;

Not condone or intentionally participate in fraudulent, corrupt, or other illegal activities. While respecting and adhering to these broader frameworks of behaviour, TBC specifically requires that TBC representatives and visitors adhere to the following policies:

1. ABUSE AND EXPLOITATION OF BENEFICIARIES

Definitions:

- a) **Sexual Abuse:** Threatening or forcing someone to have sex or provide sexual favours under unequal or forced conditions.
- b) **Sexual Exploitation:** The exchanging of money, shelter, food or other goods for sex or sexual favours from someone in a vulnerable position

¹ The term ‘beneficiaries’ refers to individuals, groups, or organizations, whether targeted or not, that benefit, directly or indirectly, from The Border Consortium programme.

TBC recognizes the unequal power dynamic and the resulting potential for exploitation inherent in our work. TBC representatives further recognise that exploitation undermines the credibility of our work and may severely damage victims of these exploitive acts and their families and communities.

TBC expects its representatives and visitors to uphold the highest ethical standard of integrity, accountability, and transparency in the delivery of goods and services while executing the responsibilities of their position.

TBC representatives are strongly discouraged from engaging in sexual relationships with beneficiaries. Should a relationship develop between a representative and a beneficiary, the TBC representative is obliged to report this to management at the earliest opportunity. Sexual activity with children (defined according to the Convention on the Rights of the Child (CRC) as all persons under the age of 18) is strictly prohibited. Mistaken belief in the age of a child is not a defence.

Given the inherently unequal power dynamics, TBC representatives should avoid recruiting beneficiaries to work for them in a personal capacity (e.g., as domestic workers) whenever possible, because of the potential and/or perception of abuse or exploitation.

TBC representatives must never abuse his/her power or position in the delivery of humanitarian assistance, neither through withholding assistance nor by giving preferential treatment. Requests/demands by TBC staff for payment, privilege or any other benefit, including sexual favours or acts, are strictly prohibited.

TBC representatives are prohibited from engaging in any forms of intimidating, humiliating, degrading, or aggressive behaviour towards beneficiaries.

2. ABUSE AND EXPLOITATION OF CHILDREN

TBC has a Child Protection Policy actively promotes and monitors child protection within all its programmes. TBC considers any inappropriate behaviour towards a child as abuse and a serious breach of the Code of Conduct. All representatives are required to agree to the terms of the Child Protection Policy as a condition of their contractual agreement.

Definition of Child Abuse

Child Abuse is a general term used to describe ill treatment that can harm or is likely to cause harm to a child's safety, well-being, dignity, and development. It is usually a failure on the part of a parent/caregiver or organisation/community to ensure a reasonable standard of care and protection. Child abuse can be broadly categorised into five main forms of maltreatment; **physical abuse, sexual abuse, emotional abuse, neglect, and commercial exploitation**. Children may be subject to more than one form of abuse.

Active Prevention and Immediate Response

TBC is committed to protecting children in our programmes from all forms of abuse and exploitation. In cooperation with local partners, we do this by:

- Providing a positive and safe environment where children can learn and develop to their fullest potential.
- Engaging the active commitment of the caring adults who surround the children to care for them with dignity, respect, and integrity at all times.
- Preventing and/or reducing the risks of the incidence of abuse through enforcing child protection policies, strategies, and procedures.

Representatives and Partners Behaviour towards Children

TBC representatives and partners **WILL NOT**:

1. Act in ways that will shame, or humiliate a child; or perpetrate any form of verbal, emotional sexual or physical abuse on a child
2. Use inappropriate language – offensive, discriminatory, demeaning, abusive, or sexual in nature – or behaviour, when either speaking to or in the presence of a child
3. Physically abuse children by shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling, poisoning, etc.
4. Engage in any type of sexual activities with a child including paying for sexual services or acts
5. Invite unaccompanied children into their home unless they are at risk of injury or physical danger
6. Be alone with or travel alone with a TBC-assisted child. Adults should avoid being placed in a situation that might expose them or make them vulnerable to suspicion, scandal, etc. or could be misinterpreted. Where possible and practical, a ‘two-adult’ rule should be followed; i.e. an
7. Adult should be in the presence of another adult when in the presence of a child. This could be a parent, caregiver, relative, other TBC representative, NGO worker, etc.
8. Solicit or engage in a dating relationship with a TBC-assisted child
9. Hire a child or children, below the minimum working age according to Thai and Myanmar law, as house help or other kinds of help (e.g. gardener, etc.);
10. Hold, hug, kiss, fondle, or touch children in an inappropriate or culturally insensitive way.
11. Use any computers, mobile ph ones, video cameras, cameras or social media inappropriately; exploit or harass children or access child exploitation material through any medium
12. Take photographs of children without permission from the parent or primary caregiver. (Any photographs for which permission has been given should present children in a dignified and respectful manner not vulnerable or submissive. Local traditions and restrictions for reproducing personal images should be assessed and attempts made to comply with them. Photographs should be an honest representation of the context and the facts. Children should be adequately clothed and not in poses which could be interpreted as sexually suggestive.
13. Reveal identifying information about a child through file labels, metadata, or text descriptions when sending images electronically or publishing images in any form.

TBC representatives and partners **WILL**;

1. Comply with all relevant Thai and Myanmar legislation, including labour laws in relation to children
2. Promote proper respect and dignity for all children, and will demonstrate care, regardless of their race, gender, age, religion or disability, sexual orientation, social background and culture.
3. Expect these standards of behaviour by other adults and will report any concerns or violations, through the proper reporting mechanism as described in this Code of Conduct below and within the TBC Child Protection Policy.
4. Ensure that activities or programmes for which they are responsible do not pose any risk to children.
5. Immediately disclose all charges, convictions, and other outcomes of an offense, which occurred before or occurs during the association with TBC that relate to child exploitation and abuse.

3. HARASSMENT OF TBC STAFF

TBC's policy is that the work environment should be free from all forms of harassment based upon a representative's race, gender, religion, national or ethnic origin, marital status, sexual orientation, age, disability, or any other characteristic protected by law. Harassment, including sexual harassment, will not be tolerated.

For the purposes of this policy harassment includes verbal, non-verbal or physical conduct, perpetrated by a supervisor, co-worker or third party with whom TBC does business, that discriminates against a TBC representative because of his/her race, gender, religion, national or ethnic origin, marital status, sexual orientation, age, disability or any other characteristic protected by law. Examples of such discrimination can generally be separated into two categories: sexual harassment and other forms of harassment:

Sexual Harassment

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favours, and other verbal, non-verbal or physical conduct of a sexual nature when:

- A representative's submission to such conduct is either explicitly or implicitly made a term or condition of that representative's employment; or
- A representative's submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with a representative's work performance or creating an intimidating, hostile, or offensive working environment.

Some examples of what may constitute sexual harassment are:

- Threatening or taking adverse employment actions if sexual favours are not granted, or demanding sexual favours in exchange for favourable or preferential treatment,

- Unwanted remarks of a sexual nature, including those made as a part of any purported humorous conduct,
- Persistent and unwanted sexual flirtations, propositions or requests for sexual favours,
- Unwanted physical touching of any kind,
- Open displays or unsolicited showings of nude or sexually explicit photographs, derogatory or demeaning e-mails, screen savers, posters, cartoons, cards, or graffiti.

Other Forms of Harassment

Other prohibited harassment includes verbal, non-verbal or physical conduct when such conduct is based upon a staff member's race, gender, religion, colour, national or ethnic origin, marital status, sexual orientation, age, disability or any other characteristic protected by law, and has the purpose or effect of unreasonably interfering with that staff member's work performance and/or creating an intimidating, hostile or offensive working environment.

Examples include:

- Offensive language or materials (such as epithets, slurs, e-mails screen savers or jokes) that have the purpose or effect of creating an intimidating, hostile or offensive work environment;
- Employment decisions that have the purpose or effect of unreasonably interfering with a staff member's work performance.

4. HOSTILE WORKPLACE COMMUNICATION

All TBC representatives have a duty to make TBC a respectful and courteous work environment. Communication with other TBC representatives and all relevant stakeholders, whether in-person, by telephone, or in writing, via email or social media must be in accordance with international and national conventions and standards of behaviour. Communication from a representative to TBC staff and other stakeholder that is hostile, unconstructive, and/or unprofessional is prohibited. Although these incidents are often demonstrated as a pattern of behaviour, a single incident may also be considered a breach of this Code of Conduct.

5. FRAUD AND CORRUPTION

Any fraudulent or corrupt activity is strictly prohibited. In addition, TBC expects all representatives to maintain the highest standards of ethical conduct and to ensure their and TBC's compliance with all applicable laws, accounting principles and TBC policies.

Gains from fraudulent or corrupt activities can be financial or non-financial. Some examples of fraudulent and corrupt activities include but are not limited to: unauthorised or unethical use of TBC funds, falsifying documents, theft, embezzlement, offering or accepting bribes, blackmail, nepotism (favouritism shown to relatives or close friends by those in power), spending TBC funds inefficiently or unnecessarily, colluding (acting together secretly to achieve a fraudulent, illegal, or deceitful purpose) with suppliers or donors, misuse and unauthorised personal use of TBC resources,

improperly gaining or potentially gaining financial or other personal benefit from beneficiaries, and aiding and abetting another's impropriety. A wilful failure to report a fiscal impropriety may be construed as aiding and abetting the wrongdoer.

6. ILLEGAL ACTIVITY

TBC representatives must make every effort to comply with local Thailand and Myanmar laws. For example, using the services of a commercial sex worker is an illegal activity in both Thailand and Myanmar. Criminal convictions incurred prior to, or during, employment with TBC must be reported to management.

7. BREACHES OF CONFIDENTIALITY AND MISUSE OF INFORMATION

TBC representatives often have access to information of a sensitive nature and in some cases to unique sources of information. All TBC representatives are required to notify Senior Management of any pertinent information and details of conversations that might affect the TBC programme. From time to time, staff members may be asked to speak to journalists and other researchers. In this case, refer to Section 13 Communicating with Press and Media below.

All information gathered during the course of their duties is considered confidential to TBC and should not be used for personal gain or remuneration. All TBC work files located on individual desktop and laptop computers and on any USB memory stick are to be backed up on the TBC central server on a weekly basis. This applies to Bangkok and all field offices. Failure to do this on a weekly basis will be considered to be in violation of TBC policy.

8. SOCIAL AND DIGITAL MEDIA USE

Social and digital media can be defined in many ways. It includes but is not limited to: Social networking sites (Facebook, Google+, Bebo, etc), Video and photo sharing sites (YouTube, SKYPE.Flickr, Instagram), Microblogging sites (Twitter), Personal blogs (Blogger, Wordpress), Local area websites, Forums or discussion boards, Online encyclopedias (Wikipedia), Messaging applications (Line, WhatsApp, WeChat), Text messages, and Personal e-mail while carrying the employment status with TBC. Because of the blur between personal and professional communications, this section helps explain what is recommended and expected. This section applies to all TBC representatives and partners.

The following principles apply to professional use of social and digital media use on behalf of TBC as well as personal use of social media when referencing TBC, refugees, governments, donors and other related stakeholders that are engaged with TBC.

TBC representatives need to know and adhere to TBC's Code of Conduct when using social media in reference to TBC. All communication by TBC representatives and partners should take into account the organization's values, reputation, workplace policies, and respects to other people's rights.

- TBC representatives should be aware of the effect their actions may have on their images, other people's images as well as TBC's image. The information that TBC representatives post or publish may be public information for a long time.
- TBC representatives should be aware that TBC may observe contents and information made available by TBC representatives through social and digital media. TBC representatives should use their best judgment in posting material that is neither inappropriate nor harmful to TBC, its staff, camp communities, donors, or government authorities.
- Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, contents, VDO clips or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- For staff's protection and the protection of TBC, TBC representatives are prohibited from using external social media channels to discuss confidential items, legal matters, litigation, or the TBC's internal affairs and performance. TBC representatives have to be highly aware that images, VDO clips, and contents related to camps, camp committee, any government office personnel working in the camps, and refugees are sensitive information. Therefore, TBC representatives have to get official permission from these related parties before uploading on the social media.
- Likewise TBC representatives have to let camp committee know earlier that all images, VDO clips, and contents in relation to TBC's activities can be released on their social media channels or accounts with mutual consent between camp committee and TBC.
- When asked by others to discuss any of these confidential and sensitive matters, TBC representatives should relay that "Our social and digital media Code of Conduct only allows authorized individuals to discuss these types of matters. I can refer you to an authorized individual if you'd like to ask them," and then refer the question to TBC Senior Management Team.
- Only those officially designated may use social media to speak on behalf of TBC in an official capacity. If and when designated persons use social media to communicate on behalf of TBC whether using TBC's social media accounts or their personal social media account, they should clearly identify themselves as TBC representatives with the designated position in TBC.
- Respect the privacy of other TBC staff, former employees, refugees, children as per TBC's child protection policy, and suppliers by not providing personal or confidential information and images without permission. Also, TBC representatives are prohibited from sharing anything via social media channels that could violate another employee's right to personal privacy.
- Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. TBC representatives should refer these inquiries to TBC's Executive Director or the person authorized as the spokesperson by TBC's Executive Director.

- It is compulsory that TBC representatives keep TBC's related social media accounts separate from personal accounts, if practical.
- If the TBC representatives see a violation of Social and Digital Media Use, an employee, volunteer, and interns, report it to HR & Admin Specialist immediately. If the TBC representatives have questions about Social and Digital Media Use, please contact HR & Admin Specialist.
- Any violations of TBC's Social and Digital Media Code of Conduct may result in discipline and/or termination of TBC representatives' opportunities.

9. UNAUTHORISED VISITS TO CAMPS

Field staff members are frequently asked to take donors, diplomats and other visitors to refugee camps on the border. They are also often asked to take casual passengers who may be journalists, Thai authority personnel, or other individuals with no official relationship with the TBC. TBC works under agreement with the Ministry of Interior, which has strict regulations regarding visitors to the border. The following rules are designed to comply with MOI requirements whilst recognising that TBC is often able to help people in remote areas where other transport is not available.

Wherever possible the TBC management will plan official visits by donors or other interested groups to the border with the staff involved and will apply for camp passes from the MOI in advance. Staff should not take visitors to camps without official camp passes. Visits should only proceed if the security situation is confirmed as safe (see Security Guidelines for Staff).

Refugees or other local people may ask for lifts. Generally, they should be refused although exceptions may be made for sick people or for refugee officials.

Thai authority personnel may also ask for lifts. In the interests of good relations, these may be accepted if the request is reasonable. If the personnel are carrying weapons, they should be asked not to display them and to store them responsibly.

Under agreement with the MOI, journalists may not be taken to the camps unless otherwise approved by the Executive Director.

All camp visits are to be approved by the Executive Director.

10. REPORTING VIOLATIONS OF THESE POLICIES

These policies prohibit the above-mentioned abuses from occurring in any TBC work environment and apply to all TBC representatives. TBC representatives have the responsibility to report any known, reported or suspected cases of alleged breach of these standards by TBC staff, other representatives, any other humanitarian or development workers, representatives of local or national government, police, military personnel, outside contractors who are associated with the TBC, and/or all third parties doing business with TBC. TBC representatives must report alleged violations immediately to their supervisor, or the Executive Director. Under no circumstances is any

TBC representative required to report the alleged violation to a supervisor whom he/she believes to be involved in the violation.

It is not the responsibility of the reporting TBC representative to ascertain whether the complaint is true. It is his/her responsibility to report any concern in good faith, via the process outlined herein.

When a report of an alleged violation is made:

TBC Senior Management will conduct a full, fair, prompt, and thorough investigation as appropriate under the circumstances. Steps taken will depend upon the nature of the allegation. All TBC representatives must cooperate fully in the course of any investigation. Confidentiality will be maintained throughout the investigation subject to the need to conduct a full and fair investigation.

If TBC determines that a violation of these policies has occurred by a TBC representative, prompt remedial action will be taken against the offending person(s), up to and including his/her discharge. Additionally, if appropriate, TBC management will alert the proper legal authorities as to the violation.

Individuals who report alleged violations of these policies in good faith or who are involved in the investigation of a violation of these policies will not be subject to reprisal or retaliation in any form.

Retaliation is regarded as a very serious violation of these policies and should be reported immediately. Retaliation against a complaining party by anyone will result in immediate discharge.

All TBC representatives are expected to report instances of violations truthfully and responsibly. TBC representatives, who fail to report allegations that have been brought to their attention or to act on information that they know or should know, will be subject to disciplinary measures. Intentionally false reports of violations of these policies will result in termination from employment.



PLEDGE OF COMMITMENT TO THE CODE OF CONDUCT

(This pledge shall be made by all TBC Representatives)

I, _____ have read and understood

TBC's Code of Conduct. I recognise that I may face substantial adverse consequences for breach of this code of conduct. I am aware that allegations of abuse will be reviewed and, as determined necessary by TBC, investigated. I recognise that, if I violate this code of conduct, I may be subject to applicable local laws and to organisational disciplinary measures.

I acknowledge that this Pledge of Commitment to the Code of Conduct states TBC's expectations of me in my service with TBC. With my signature affixed herein, I agree to abide by this Code of Conduct.

NAME:

JOB TITLE/POSITION:

ORGANISATION:

SIGNATURE:

DATE:
