



CODE OF CONDUCT AND ETHICS 2020

DEPARTMENT OF ENVIRONMENT
THE GOVERNMENT OF ANTIGUA AND BARBUDA



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DEFINITIONS

‘Committee Member’ means an entity/individual who has been appointed to serve on a Committee within the Department of Environment;

‘Consultant’ means an entity/individual who has a contract for services with the Department of Environment and/or the Government of Antigua and Barbuda;

‘Contractor’ means an entity/individual who has a contract for goods and/or services with the Department of Environment and/or the Government of Antigua and Barbuda;

‘Director’ means the Director of the Department of Environment;

‘Employee’ means an individual who has a contract of employment with the Department of Environment and/or the Government of Antigua and Barbuda;

‘Environment Protection and Management Act 2015’ means the principal Act that governs the Department of Environment.

‘Established employee’ means employees of the Government of Antigua and Barbuda who have been appointed by the Public Service Commission of Antigua and Barbuda;

‘Integrity Commission’ means the Commission established under section 4 of the *Integrity in Public Life Act 2004*;

‘Minister’ means a public officer who directs and controls any department of government as pursuant to section 69 of the *Constitution Order 1981*;

‘Non-established employee’ means an employee of the Government of Antigua and Barbuda who have been nominated by a Minister and appointed by the Cabinet of Antigua and Barbuda;

‘Permanent Secretary’ means a public officer who supervises any department of government, and is subject to the direction and control of their Minister as pursuant to section 78 of the *Constitution Order 1981*; and

‘Signatory’ means an entity/individual who has understood and agreed to be legally bound by the Department of Environment’s Code of Conduct and Ethics 2020;

PURPOSE OF THE CODE OF CONDUCT AND ETHICS

The Code of Conduct and Ethics of the Department of Environment (hereinafter Code) lays out the expected values and behaviour and that are required of those individuals bounded by it. Those bounded by this Code range from the Department's employees/contractors to members of operational committees of the Department such as the Project Management Committee, Technical Advisory Committee and so on.

These standards are essential in how we work together to ensure the public's trust in the integrity of the services we provide. The values outlined in the present Code are consistent with relevant legislation, and Government policies.

CHAPTER 1: INTRODUCTION

OBJECTIVES

- 1.1 The Code sets out the conduct expected of those individuals bounded by it, in all activities related to their professional duties, as well as the values underlying those expectations.
- 1.2 By adhering to this Code, we help to strengthen the ethical culture of our Department and to build public confidence in our work. It was developed in consultation with employees and management.
- 1.3 When ethical concerns arise, a bounded individual is required to discuss and resolve these matters in a timely manner with their immediate supervisor, or the Director of the Department. Ethical concerns must be handled in a fair and respectful manner and, where appropriate, should be resolved informally.

APPLICATION

- 1.4 Adherence to this Code is a condition of employment for every person employed at or contracted by the Department of Environment, regardless of level or position, and whether the type of employment is indeterminate, term, assignment, leave with or without pay, student, casual, seasonal or part-time.
- 1.5 Any volunteer, intern, or operational committee member of the Department of Environment are also expected to adhere to the provisions of this Code.
- 1.6 Those who have agreed to be legally bound by this Code shall be hereinafter referred to as a 'signatory' or collectively as 'signatories'.
- 1.7 **The professional and personal conduct of these individuals must comply with the values, ethical standards and procedures laid out in this Code.**

CONSEQUENCES

1.8 An individual who does not comply with this Code may be subject to disciplinary measures by the appropriate authority specified in this Code.

CHAPTER 2: OUR DEPARTMENT

THE ROLE OF THE DEPARTMENT OF ENVIRONMENT

- 2.1 The Department of Environment is the Government's lead coordination agency on a wide range of environmental issues facing Antigua and Barbuda. As a science-based department, the Department of Environment addresses these issues through research, policy development, and is guided by environmental laws and regulations.
- 2.2 The Department also executes its Work Program through its staff and strategic partnerships with NGOs and the private sector. Programs are focused on conserving, and where necessary, restoring Antigua and Barbuda's natural environment; equipping citizens to make informed decisions on land, water and climate conditions; and minimizing threats to citizens and their environment from pollution. The Department programs help to foster understanding and respect that our focus reflects the increasingly evident interdependence between environmental sustainability and economic and ecosystem well-being.
- 2.3 The *Environmental Management and Protection Act 2015*, provides the Department with its mandate and allow it to carry out its programs

THE ROLE OF THE MINISTER

- 2.4 In our Department, the Minister responsible for the environment plays a critical role in supporting our responsibility as employees to provide professional and accurate advice.

THE ROLE OF THE PERMANENT SECRETARY

- 2.5 The role of the Ministry and the Office of the Permanent Secretary are to provide oversight for all aspects of the work of the Department. This includes financial controls, human resource development and technical oversight.
- 2.6 The Ministry is staffed with professionals who have a wealth of knowledge on human resource management, labour issues, and laws and policies that govern the work of the Government. The Ministry and the Office of the Permanent Secretary are invaluable sources of advice and professional support.

RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT

- 2.7 Management of the Department has a responsibility to exemplify the values set out in this Code, and to support individuals who are adherent to it. Managers also have a responsibility to recognize and value the contribution of those who report to them and to foster workplace learning.
- 2.8 The Director of the Department is responsible for fostering a strong culture of values and ethics in the Department, including the effective implementation and awareness of the Code and the internal disclosure procedures for allegations of wrongdoing in the Department. The

Director is also responsible for ensuring non-partisanship in the provision of programs and services by the Department.

2.9 The Director of the Department and other Managers within the Department are also subject to the Code.

OUR ROLE WITHIN THE DEPARTMENT OF ENVIRONMENT

2.10 As dedicated professionals, whose work is essential to our national well-being, we are committed to serving the public interest and upholding the trust of citizens. We serve the citizens and their communities, under the direction of the Government and in accordance with the laws of Antigua and Barbuda, recognizing that a professional and non-partisan public service is integral to our function at the Department.

DELIVERING ON OUR MANDATE

2.11 We deliver programs around strategic outcomes:

Be Clean: By minimizing threats to citizens and their environment from pollution including greenhouse gases;

Be Safe: By equipping citizens to make informed decisions on changing land, air, water and climate conditions;

Be Sustainable: By conserving and restoring Antigua and Barbuda's natural environment for the wellbeing of present and future generations of persons, plants and animals.

2.12 We support sound environmental decisions and are respectful and supportive of colleagues and clients, enabling them to achieve results for the citizens of Antigua and Barbuda.

CHAPTER 3: OUR ETHICS COMMITTEE

THE PURPOSE OF THE ETHICS COMMITTEE

3.1 The Department of Environment in its continued pursuit of transparency, accountability and good governance established the Ethics Committee of the Department of Environment (hereinafter Ethics Committee) via the PMC, to uphold these ideals in relation to the affairs of the Department. This Committee is a sub-committee of the PMC as it exercises some of its powers of oversight in relation to the misconduct of signatories.

THE ROLE OF THE ETHICS COMMITTEE

3.2 The Ethics Committee is required to oversee and conduct independent and impartial investigations for all reported allegations of general breaches/wrongdoing, corruption, conflicts of interest, fraud or financial mismanagement.

3.3 The responsibility of the Ethics Committee is to investigate reported breaches of the Code committed by signatories, in a fair and impartial manner, and to their findings and decision the appropriate authority specified in this Code.

CHAPTER 4: OUR VALUES

4.1 The following values are the underlying basis of the conduct expected of us. We are expected to integrate these values into our decisions, actions, policies, processes and systems, and to act accordingly.

RESPECT FOR THE MINISTERIAL AND CIVIL SERVICE

4.2 We recognize that elected officials are accountable to Parliament, and ultimately to the people of Antigua and Barbuda. A non-partisan public service is essential to our democratic system. Respecting our system of democracy means:

- Respecting the rule of law and carrying out our duties in accordance with legislation, policies and directives in a non-partisan and objective manner.
- Loyal carrying out the lawful decisions of our leaders and supporting Ministers and Ministry leaders in their accountability to Parliament and the people of Antigua and Barbuda.
- Providing decision-makers and civil society with all the information, analysis and advice they need, while always striving to be open, candid and impartial.

RESPECT FOR PEOPLE

4.3 Treating all people with respect, dignity and fairness is fundamental to our relationship with the people of Antigua and Barbuda, and contributes to a safe and healthy work environment that promotes engagement, openness and transparency.

4.4 Signatories shall not discriminate against members of the public, or in their relationships with colleagues or members of other professional institutions, on the basis of race, colour, ethnicity, genetic features, gender, gender identity/gender expression, age, religion or belief, language, national, ethnic or social origin, sexual orientation, disability, political or any other opinion, membership of a national minority, or property.

4.5 The diversity of our people including persons with disability, youth and other vulnerable sectors of our population and the ideas we generate are the source of our innovation. Respecting people means:

- Treating every person with respect and fairness.
- Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.
- Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.
- Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

INTEGRITY

4.6 Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, Signatories shall conserve and enhance public confidence in the honesty, fairness and objectivity of the Department. Acting with integrity means:

- Acting at all times in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law.
- Never using one's official role to inappropriately obtain an advantage for ourselves or to advantage or disadvantage others.
- Taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between one's official responsibilities and one's private affairs in favour of the public interest.
- Acting in such a way as to maintain our employer's trust.

STEWARDSHIP

4.7 Signatories shall use and care for public resources responsibly, for both the short-term and long-term. Responsible stewardship means:

- Effectively and efficiently using the public money, property and resources we manage.
- Considering the present and long-term effects that our actions have on people and the environment.
- Acquiring, preserving and sharing knowledge and information as appropriate.

EXCELLENCE

4.8 Excellence in the design and delivery of public service policy, programs and services is beneficial to every aspect of our citizen's life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization. Professional excellence means:

- Providing fair, timely, efficient and effective services - taking into consideration the ability of citizens to receive these services.
- Continually improving the quality of policies, programs and services we provide.
- Fostering a work environment that promotes teamwork, learning and innovation.

DEPARTMENT OF ENVIRONMENT VALUES: THIS IS WHO WE ARE

4.9 At the Department of Environment, we recognize that the environment is vital to the identity and well-being of citizens. We recognize that:

“WE BELONG TO THE ENVIRONMENT AND THAT IS WHO WE ARE”.

- We value the contribution of the natural and social sciences in making responsible decisions about the environment.
- We are committed to demonstrating integrity, trust and mutual respect in our working relationships.
- We value the dedication and teamwork of our people, and strive to provide high-quality service to the public

4.10 We act on these values by:

- Leading by example - showing environmental responsibility in all our operations;
- Encouraging innovation and initiative in our people, and a culture of learning in our department;
- Operating in a way that is consistent with public service values;
- Working collaboratively and respectfully with other departments and stakeholders and enhancing the efforts of all partners and stakeholders.

CHAPTER 5: GENERAL WRONGDOING

STATUTORY REPORTING OF WRONGDOING

- 5.1 If a signatory has information that could indicate a serious breach of this Code, they can bring the matter, in confidence and without fear of reprisal, to the attention of your immediate supervisor, Senior Officer for Complaints, or the Chairman of the Integrity Commission.
- 5.2 Signatories who make a disclosure under the following pieces of legislation are legally protected from any reprisal against them for having come forward with information related to any wrongdoing in the public service.

Reporting Wrongdoing of a Senior Level Department Official

- 5.3 In addition to the Code, every person in public life are legally obligated to observe the Code of Conduct, found in the Schedule II of the *Integrity In Public Life Act 2004*.
- 5.4 Some of the persons in public life who concerns the Department include: the Minister responsible for the environment; the Permanent Secretary, and Principal Assistant Secretary of the Ministry of Environment; and the Director, Deputy Director, and Managers of the Department.¹
- 5.5 Examples of prohibited conduct include but are not limited: executing or omitting to any of their duties in exchange for money, benefits, favours, etc.; discriminating against any person in the performance of their duties; and allowing their private interests to interfere with the execution of their duties.²
- 5.6 If any of the previously mentioned persons are found in breach of the statutory Code of Conduct they will be subject to fines and/or imprisonment.³
- 5.7 If an individual is of the belief that any person in the public life is in breach of the statutory Code of Conduct, they may make a complaint in writing detailing the breach to the Senior Officer for Complaints or the Integrity Commission.
- 5.8 The details should include when and by whom the breach was committed. To increase the likelihood of the success of a complaint, evidence supporting the accusations should be provided in the complaint along with a sworn statement.
- 5.9 The laws of Antigua and Barbuda provide **protection for whistleblowers**.⁴ This means that members of the public or signatories will not face any consequences for coming forward with

¹ The Government of Antigua & Barbuda, The Integrity In Public Life Act 2004, sch 1.

² The Government of Antigua & Barbuda, The Integrity In Public Life Act 2004, sch 2.

³ The Government of Antigua & Barbuda, The Integrity In Public Life Act 2004, s 21(2)

⁴ The Government of Antigua & Barbuda, The Integrity In Public Life Act 2004, s 22(3); The Government of Antigua & Barbuda, The Freedom of Information Act 2004, s 47(1).

information concerning the wrongdoing of a Senior Level Department Official, once it is made in good faith or with honest intentions.

Reporting Wrongdoing of a Department Employee/Contractor

5.10 The *Freedom of Information Act 2004* allows a person to disclose information to the Information Commissioner or any other public authority (for e.g. the Department or Integrity Commission) on any wrong-doing by the Department or any of its employees/contractors. The wrong-doing must be about one of the following⁵:

- Serious threats to the health and safety of an individual, public or the environment
- Criminal activity
- Non-compliance with legal obligations
- Miscarriages of justice
- Corruption, dishonesty or serious mal-administration
- Abuses of authority or neglect in the performance of an official duty
- Injustice to an individual

5.11 This Act also dictates that the whistle-blower shall not be subject to legal proceedings if the information was reported in good faith or with honest intentions and the individual thought them to be true.

5.12 If the individual does make a report maliciously they are liable of a criminal offence and are subject to fines and/or imprisonment.⁶

DEPARTMENTAL REPORTING OF WRONGDOING

5.13 Signatories can internally report wrongdoing/breaches of the Code made by another signatory via submitting the charge(s) in writing and in confidence to either the Director or Deputy Director of the Department, who are required to forward it on to the Ethics Committee in a timely manner, or directly to the Ethics Committee.

5.14 The accused individual shall be presumed innocent until such time as the Ethics Committee decides that there is sufficient evidence to establish that the alleged wrongdoing/breach did occur.

5.15 The Ethics Committee shall investigate and review the alleged charge(s) made against the accused individual and determine its credibility, as soon as is practicable.

5.16 The Ethics Committee shall allow the accused individual to be accompanied by an advisor during their investigation.

⁵ The Government of Antigua & Barbuda, The Freedom of Information Act 2004, s 47(1).

⁶ The Government of Antigua & Barbuda, The Freedom of Information Act 2004, s 48(2).

- 5.17 This investigation shall be held in the strictest of confidence by all parties involved.
- 5.18 The accused signatory shall also be timely notified by the Ethics Committee of the alleged charge(s), and provided with the applicable documentation, and an opportunity to present their views on the alleged charge(s) to the Ethics Committee before it presents findings and decision.
- 5.19 In the case of accused signatories who are established employees, the Ethics Committee must submit their findings and decision to the Permanent Secretary supervising the accused under flying seal to the Chief Establishment Officer of Antigua and Barbuda.
- 5.20 In the case of accused signatories who are non-established employees, the Ethics Committee must submit their findings and decision to the Permanent Secretary supervising the accused under flying seal to their Minister.
- 5.21 In the case of accused signatories who are contractors/consultants, the Ethics Committee must submit their findings and decision to the Chairman of the Project Management Committee of the Department.
- 5.22 In the case of accused signatories who are committee members, the Ethics Committee must submit their findings and decision to the Chairman or Vice-Chairman of the Project Management Committee of the Department under flying seal to their appointing authority.

PUBLIC REPORTING OF WRONGDOING

- 5.23 Any member of the public who has information indicating that a signatory has committed a serious breach of this Code may submit it in the prescribed form to the Director or Deputy Director of the Department who are required to forward it on to the Ethics Committee in a timely manner, or directly to the Ethics Committee (refer to the Department's *Whistle-blower Policy for Members of the Public*).

CHAPTER 6: CORRUPTION

DEFINITION OF CORRUPTION

6.1 The *Prevention of Corruption Act 2004* defines corruption and the range of behaviour by an employee/contractor of the Department that will constitute an offence under this Act. These include⁷:

- Performing or failing to perform duties in the interest of obtaining personal benefit for him/herself or some other persons;
- Requesting or accepting any personal interest, benefit or advantage for the purpose of influencing the performance or non-performance of their duty;
- Offering or giving a public official any property, benefit or advantage to influence them in the performance or non-performance of their duty;
- Allowing private interests to conflict with or influence the performance of one's public duties;
- Using classified information obtained in the course of his/her duties in an improper manner;
- Improper use of property belonging to a public body for personal benefit;
- Offering benefits to public officials to obtain contracts with public bodies or particular contract prices;
- Offering property, advantage or benefit to public officials in another country to influence the performance of their public functions; or
- Aiding or counselling another to, attempting to, or conspiring to commit an act of corruption.

6.2 The Code adopts the definition of corruption outlined in *Prevention of Corruption Act 2004* as its own.

STATUTORY PROCEDURE FOR REPORTING CORRUPTION

6.3 If a person is of the belief that an employee/contractor of the Department committed an act of corruption, they may make a complaint in writing detailing the breach to the Integrity Commission or Senior Officer for Complaints.

6.4 The details should include when and by whom the breach was committed. To increase the likelihood of the success of a complaint, evidence supporting the accusations should be provided in the complaint along with a sworn statement

6.5 Furthermore, the laws of Antigua and Barbuda provide **protection for whistle-blowers**.⁸ This means that members of the public or signatories will not face any consequences for

⁷ The Government of Antigua & Barbuda, The Prevention of Corruption Act 2004, s 3(1)

⁸ The Government of Antigua & Barbuda, The Integrity In Public Life Act 2004, s 22(3); The Government of Antigua & Barbuda, The Freedom of Information Act 2004, s 47(1).

coming forward with information concerning act of corruption by the employee/contractor, once it is made in good faith or with honesty intentions.

6.6 If an employee/contractor is found guilty of committing an act of corruption they will be subject to fines and/or imprisonment.⁹

DEPARTMENTAL PROCEDURE FOR REPORTING CORRUPTION

6.7 Signatories can internally report act(s) of corruption made by another signatory via submitting the charge(s) in writing and in confidence to either the Director or Deputy Director of the Department, who are required to forward it on to the Ethics Committee in a timely manner, or directly to the Ethics Committee.

6.8 The accused individual shall be presumed innocent until such time as the Ethics Committee decides that there is sufficient evidence to establish that the alleged act(s) of corruption did occur.

6.9 The Ethics Committee shall investigate and review the alleged charge(s) made against the accused individual and determine its credibility, as soon as is practicable.

6.10 The Ethics Committee shall allow the accused individual to be accompanied by an advisor during their investigation.

6.11 This investigation shall be held in the strictest of confidence by all parties involved.

6.12 The accused signatory shall also be timely notified by the Ethics Committee of the alleged charge(s), and provided with the applicable documentation, and an opportunity to present their views on the alleged charge(s) to the Ethics Committee before it presents findings and decision.

6.13 In the case of accused signatories who are established employees, the Ethics Committee must submit their findings and decision to the Permanent Secretary supervising the accused under flying seal to the Chief Establishment Officer of Antigua and Barbuda.

6.14 In the case of accused signatories who are non-established employees, the Ethics Committee must submit their findings and decision to the Permanent Secretary supervising the accused under flying seal to their Minister.

6.15 In the case of accused signatories who are contractors/consultants, the Ethics Committee must submit their findings and decision to the Chairman of the Project Management Committee of the Department.

⁹ The Government of Antigua & Barbuda, The Prevention of Corruption Act 2004, s 8.

6.16 In the case of accused signatories who are committee members, the Ethics Committee must submit their findings and decision to the Chairman or Vice-Chairman of the Project Management Committee of the Department under flying seal to their appointing authority.

CHAPTER 7: CONFLICT OF INTEREST

DEFINITION OF CONFLICT OF INTEREST

7.1 A conflict of interest arises when a signatory has a private interest that may improperly influence the performance of their official duties and responsibilities, or if they use their position for personal gain. The following are types of conflict of interest:

- A true conflict of interest exists at the time of the event;
- An apparent conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case; and
- A potential conflict of interest could reasonably be foreseen to exist in the future.

PREVENTING AND DEALING WITH CONFLICT OF INTEREST

7.2 Signatories maintain public confidence in the objectivity of the Department by preventing and avoiding situations that could result in a real, apparent or potential conflict of interest. Individuals are encouraged to seek guidance or advice on this matter from senior staff of the Department.

7.3 We can prevent conflicts from arising between our public duties and private interests by:

- Taking all reasonable steps to recognize, prevent, report and resolve any real, apparent or potential conflicts of interest between our official responsibilities and our private affairs;
- Refraining from having private interests that could be affected by Government decisions and actions in which we participate;
- Not taking advantage of or benefiting from information that is obtained in the course of our official duties and that is not available to the public;
- Refraining from the direct or indirect use of, or allowing the direct or indirect use of, federal government property, including property leased to the government, for anything other than officially approved activities;
- Not assisting private entities or persons in their dealings with the government, where this would result in preferential treatment of the entities or persons;
- Not interfering in the dealings of government or private entities in order to inappropriately influence the outcome; and
- Maintaining the impartiality of the public service and not engaging in any outside activity that impairs or could be seen to impair our ability to perform our duties in an objective manner.

SOCIAL MEDIA AND CONFLICTS OF INTEREST

7.4 With the permanent and pervasive nature of information technology, signatories shall be particularly sensitive to real, apparent or potential conflicts of interest that may arise from messages and information transmitted via the Internet and other media.

OUTSIDE EMPLOYMENT OR ACTIVITIES

7.5 Employees/contractors may engage in additional employment outside of the Department, outside of working hours unless the employment or activities are likely to give rise to a real, apparent or potential conflict of interest or would undermine the impartiality of the Department or the objectivity of the employee/contractor.

7.6 Signatories are required to provide a report to the Director of the Department when outside employment or activities might subject them to demands incompatible with official duties, or cast doubt on their ability to perform duties in a completely objective manner.

7.7 The Director of the Department may require that the outside activities be modified or terminated if it is determined that there is any conflict of interest.

GIFTS, HOSPITALITY AND OTHER BENEFITS

7.8 Signatories are expected to use their best judgment to avoid situations of real, apparent or potential conflict of interest by considering the following criteria on gifts, hospitality and other benefits while keeping in mind the full context of this Code.

7.9 Signatories shall not accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on objectivity in carrying out official duties or that may place them under obligation to the donor. This includes, but is not limited to, activities such as free or discounted admission to sporting and cultural events, travel or conferences.

7.10 The acceptance of gifts, hospitality and other benefits is permissible if they:

- are infrequent and of minimal value;
- are within the normal standards of courtesy or protocol;
- do not arise out of activities or events related to the official duties of the employee/contractor concerned; and
- do not compromise or appear to compromise the integrity of the employee/contractor concerned and/or of Department of Environment.

7.11 Individuals shall seek written direction from the Director of the Department where it is impossible to decline gifts, hospitality or other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the Department to warrant acceptance of certain types of hospitality.

AVOIDANCE OF PREFERENTIAL TREATMENT

- 7.12 Signatories shall be responsible for demonstrating objectivity and impartiality in the exercise of their duties and in decision-making. This includes items related to staffing, financial awards or penalties to external parties, transferring payments, program operations, or any other exercise of responsibility.
- 7.13 Signatories are prohibited from granting preferential treatment or advantages to family, friends, or any other person or entity.
- 7.14 Signatories are not to offer extraordinary assistance to any entity or persons already dealing with the Government without the knowledge and support of their supervisor.
- 7.15 Signatories shall not disadvantage any entity or persons dealing with the Government because of personal antagonism or bias.

DISCLOSURE OF ASSETS & INTERESTS FOR SENIOR OFFICERS

- 7.16 All senior officers of the Department (i.e. the Director, Deputy Director and Managers) must report their assets and interests in the prescribed form outlined in the *Integrity in Public Life Act 2004*¹⁰. This Confidential Report must be made by end of March each year to the Integrity Commission.

PROCEDURE FOR RESOLUTION OF CONFLICT OF INTEREST

- 7.17 With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest, or to comply with the requirements set out above, it is expected that the signatory shall resolve any conflict of interest by the immediate disclosure of any conflict of interest, in writing, to the Director of the Department.
- 7.18 The Audit Committee of the Department of Environment shall review the conflict(s) of interest and decide on whether any conflict of interest exists, and provide a decision on how to resolve the conflict(s).
- 7.19 The Audit Committee of the Department of Environment may require the signatory to modify or terminate certain professional activities, if they determined that there is a conflict of interest.

¹⁰ The Government of Antigua & Barbuda, The Integrity In Public Life Act 2004, s 16(1)

CHAPTER 8: FRAUD & FINANCIAL MISMANAGEMENT

ZERO TOLERANCE POLICY FOR FRAUD

The Department of Environment is committed to high legal, ethical and moral standards and has a **ZERO TOLERANCE POLICY FOR FRAUD**, and as an Accredited Entity, the Department is aligned with the Green Climate Fund's commitment to preventing and combating fraud, corruption, money laundering, terrorist financing and other prohibited practices, in accordance with international standards.

DEFINITION OF FRAUD

8.1 Fraud occurs when a signatory in relation to their duties and responsibilities:

- deceives another
- to make a gain from any funds and/or assets of the Department of Environment for himself or another, or cause loss to another.

8.2 Gain can take form of money, property, valuable security or services.

8.3 The following are some examples of fraud:

- The signatory makes false representation to another to make a gain for himself or another, or cause loss to another.
- The signatory fails to disclose information to another to make a gain for himself or another, or cause loss to another.
- The signatory to execute their duties and responsibilities to not act against the interest of another to make a gain for himself or another, or cause loss to another.

DEFINITION OF FINANCIAL MISMANAGEMENT

8.4 Financial mismanagement occurs when a signatory intentionally or unintentionally manages the funds of the Department of Environment in a manner which can be reasonably deemed as inappropriate, inefficient, negligent, or reckless.

PREVENTING FRAUD & FINANCIAL MISMANAGEMENT

8.5 The Department of Environment has taken measures to mitigate the risk of fraud and financial mismanagement when conducting its affair. One of these measures involves the separation of duties amongst signatories where no one person can go through all the steps of procurement (i.e. authorization, custody, recordkeeping of an asset) to finalize a transaction. Nevertheless, signatories are required not commit fraud and/or financial mismanagement.

PROCEDURE FOR REPORTING FRAUD & FINANCIAL MISMANAGEMENT

8.6 Signatories can internally report act(s) of fraud and/or financial mismanagement made by another signatory via submitting the charge(s) in writing and in confidence to either the

Director or Deputy Director of the Department, who are required to forward it on to the Ethics Committee in a timely manner, or directly to the Ethics Committee.

- 8.7 The accused individual shall be presumed innocent until such time as the Ethics Committee decides that there is sufficient evidence to establish that the alleged act(s) of fraud and/or financial mismanagement did occur.
- 8.8 The Ethics Committee shall investigate and review the alleged charge(s) made against the accused individual and determine its credibility, as soon as is practicable.
- 8.9 The Ethics Committee shall allow the accused individual to be accompanied by an advisor during their investigation.
- 8.10 This investigation shall be held in the strictest of confidence by all parties involved.
- 8.11 The accused signatory shall also be timely notified by the Ethics Committee of the alleged charge(s), and provided with the applicable documentation, and an opportunity to present their views on the alleged charge(s) to the Ethics Committee before it presents findings and decision.
- 8.12 In the case of accused signatories who are established employees, the Ethics Committee must submit their findings and decision to the Permanent Secretary supervising the accused under flying seal to the Chief Establishment Officer of Antigua and Barbuda.
- 8.13 In the case of accused signatories who are non-established employees, the Ethics Committee must submit their findings and decision to the Permanent Secretary supervising the accused under flying seal to their Minister.
- 8.14 In the case of accused signatories who are contractors/consultants, the Ethics Committee must submit their findings and decision to the Chairman of the Project Management Committee of the Department.
- 8.15 In the case of accused signatories who are committee members, the Ethics Committee must submit their findings and decision to the Chairman or Vice-Chairman of the Project Management Committee of the Department under flying seal to their appointing authority.



CODE OF CONDUCT AND ETHICS AGREEMENT



1.1 _____ **NAME OF SIGNATORY** _____ (hereinafter SIGNATORY) with their principal _____ address _____ located _____ at _____ **ADDRESS OF SIGNATORY** _____ has both read and understood the Code of Conduct and Ethics of the Department of Environment (hereinafter CODE).

1.2 The SIGNATORY agrees to use the Departmental procedures for investigating any breach of the CODE via the Ethics Committee at the first instance.

1.3 The SIGNATORY agrees that any investigation involving them shall be held in the strictest of confidence.

1.4 The invalidity or unenforceability of any provision of the CODE and this AGREEMENT shall not affect the validity or enforceability of their other provisions. If any provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope and breadth permitted by law.

1.5 This Agreement shall be governed by the laws of the Antigua & Barbuda.

1.6 The signature of either entity's representative herein constitutes an express representation that said representative has the authority to bind that entity to the terms of this AGREEMENT and that the AGREEMENT is a binding obligation of that entity, enforceable according to its terms.

1.7 By affixing their signature to this document, the SIGNATORY would have agreed to be legally bounded and governed by the provisions of the CODE and this AGREEMENT for their term of service/employment with the Department of Environment.

SIGNATORY

DIRECTOR, DEPARTMENT OF ENVIRONMENT

Signature

Signature

Print Name

Print Name

Date

Date