



Code of Conduct

Responsible Behaviour Unit
Director's Office

Médecins Sans Frontières OCA

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1. INTRODUCTION

MSF-OCA is committed to promoting and maintaining an environment where everyone that is associated with us or comes into contact with our activities feels respected, safe, and valued. It is, therefore, very important that all employees and representatives¹ understand what it means to behave responsibly so they can contribute to an environment that upholds their wellbeing and safeguards patients and other members of the local communities we serve.

To this end, the Code of Conduct (CoC) aims to inform our stakeholders² about:

- ❖ MSF-OCA's responsible behaviour standards and behaviours considered as misconduct;
- ❖ responsibilities under the CoC; and
- ❖ the process for reporting and addressing violations.

Overall, this CoC aims to support and strengthen an ethical culture throughout MSF-OCA, based on the core values and principles that guide our medical humanitarian mission, including **humanity, respect, integrity, impartiality, professionalism, transparency and accountability, and respect for medical ethics as well as the standards in the MSF Behavioural Commitments and OCA Integrity Statement.**

2. SCOPE

This CoC applies to any person on an MSF contract who works for MSF-OCA and any accompanying dependents.³

Separate agreements will set out the extent to which provisions of this CoC will apply to representatives who are acting, or may be viewed as acting, on MSF-OCA's behalf, such as consultants, volunteers and employees of partners of MSF. Therefore, wherever this CoC refers to 'representative (s),' this means only those representatives that are bound by the CoC through separate agreements.

The CoC is applicable at MSF-OCA's headquarters and in all country programmes during working hours. Behaviour outside working hours or unrelated to work is also covered by this CoC to the extent that it has a demonstrable negative impact on MSF-OCA's stakeholders, work or reputation.

Where differences exist between this CoC and national laws, policies or customs, the higher standard applies, as determined by the country's management team.

The MSF-OCA Management Team will evaluate this CoC every three years, with oversight by the Duty of Care Committee. For the latest version of the CoC, please refer to the [Responsible Behaviour Unit SharePoint](#), or contact your respective HR department.

¹ Persons not under an MSF employment contract who act or may be viewed as acting on behalf of MSF-OCA, including by providing services or supplying goods.

² Stakeholders refer to all those who come into contact with MSF-OCA's work worldwide including employees; representatives; patients, caregivers, and other members of local communities.

³ Accompanying dependents refer to the partner and/or other family members residing with employees who are assigned abroad by MSF.



3. RESPONSIBILITIES

Responsibilities of employees/representatives

As an employee or representative, you must, with MSF-OCA's support, take steps to inform yourself of and comply with this CoC. You must always seek to act in the best interest of MSF employees, patients and other stakeholders and report any behaviour that in your judgement would violate the CoC.

Responsibilities of managers

In addition to the above, if you are a manager, you must promote awareness of the CoC to employees and representatives within your team or department to ensure they fully understand their responsibilities under the CoC and the complaints process.

You must also take action when someone reports a possible violation of the CoC to you, or when you become aware of a possible violation. This includes referring the case higher up within line management or to the Responsible Behaviour Unit (RBU) when you need advice or are not in a position to address the case.

Deliberate failure by a manager to act on a received complaint is a violation of this CoC.

4. RESPONSIBLE BEHAVIOUR

The responsible behaviour standards set out in this section are not intended to be exhaustive. A violation of these standards may qualify as misconduct or inappropriate behaviour (in the case of lesser violations).

As employees and representatives, we must know and maintain the following standards in order to help keep a respectful, safe and secure environment for all those we serve and with whom we work.

4.1 Our conduct of work duties:

- i. **We respect medical and professional ethics.** This means we must always seek to act in the best interests of the people and communities we serve, do them no harm, and promote their right to make their own decisions about medical treatment or other services.
- ii. **We treat our stakeholders according to need,** regardless of race, ethnicity, gender, disability, beliefs, political affiliation, sexual orientation, socio-economic background, or any other personal or situational characteristics.
- iii. **We use our position or authority responsibly** in service to MSF-OCA's humanitarian mission and activities. This means not using our authority or position to harm others or for favours or personal benefits.
- iv. **We conduct our work in a way that avoids conflict of interest or the appearance of a conflict of interest.** This means conducting our work based on duty, without the influence of personal interests. This includes not allowing our relationships, external activities, or beliefs, including political and religious views, to affect our work. We must disclose any conflicts of interest. If in doubt about whether something could be regarded as a conflict of interest, we must always disclose it.



- v. **We ensure that the material and financial resources⁴ entrusted to us are used responsibly and efficiently** for the benefit of MSF-OCA's stakeholders. This means we must use and maintain MSF's property, records, files, work products, accounts and financial statements in a manner that conforms to work objectives, applicable national laws, and MSF-OCA's internal controls.
- vi. **We safeguard confidential information, documents or data** by ensuring that such material in our possession is used and protected according to MSF-OCA's Data Protection Policy as well as the applicable local data protection laws.
- vii. **We use substances responsibly.** This means ensuring that we report to work in a condition fit to perform our duties and are not negatively influenced by drugs, alcohol or any other substances. Where substances, such as alcohol, are made available during work-related social functions, we must consume responsibly. While off duty, we must keep in mind the national laws and security rules in place when using substances, including refraining from all use in countries where strictly prohibited.
- viii. **We consider whether the giving or receiving of a gift or hospitality is appropriate** when connected to our work. This means we must not accept gifts that are offered if this would give the appearance of bias on our part, or would appear to call into question the independence and reputation of MSF.
- ix. **We use responsible judgement online**, including when sending information by email or sharing information on social media platforms. We must keep in mind that we are accountable for our professional and private emails and any other online activities that may impact MSF-OCA's stakeholders, reputation or work. This also includes responsible selection and use of audio-visual material in line with the Guidelines for the Collection and Use of Audio-visual Material.

4.2 Our relationships with others:

- x. **We maintain a respectful working environment** by promoting good working relations and an atmosphere of collaboration, honesty, mutual respect, open communication and trust.
- xi. **We respect diversity and inclusiveness** in the working environment in terms of both personal characteristics and professional background.
- xii. **We treat all our stakeholders with dignity, respect and cultural appropriateness.** This includes acting with care and awareness that some behaviour may be viewed as offensive even when not intended as such.
- xiii. **We engage in any romantic or intimate relationship with care**, and in line with the country-specific security plans, when it happens in the working environment or local community in which we serve. This means not allowing these kinds of relationships to have a negative impact on our work, on stakeholders, or our working environment. To this end, we must disclose romantic or intimate relationships formed within the working environment or local community with a clear potential for conflicts of interest and/or abuse of power.⁵ This will allow steps to be taken, as appropriate, to minimise any risks. When in doubt, we must always disclose.

⁴ Any assets, goods or services.

⁵ In particular, these types of romantic/intimate relationships must be disclosed: a) Relationships between employees/representatives who are in a hierarchical or functional line, or in a similar situation where one could be perceived as having power over the career of the other; b) relationships between non-local employees and members of the local community we assist.



4.3 Our role as MSF ambassadors:

- xiv. **We respect the national laws, policies, and customs of the countries in which we work.** This includes being mindful that while a behaviour may not be a problem in some countries, the same behaviour may be problematic or illegal in other countries. If we have doubts about whether a behaviour is allowed, we must seek advice from our HR department or through the line management.
- xv. **We recognise that our behaviour both on- and off-duty may reflect on MSF-OCA.** This means that we must avoid the forms of misconduct described in section five at all times.

No document, including this CoC, can cover every situation that employees and representatives may find themselves. When in doubt if a behaviour will be considered responsible or not, it may be helpful to ask yourself the following questions:

1. **Are my actions consistent with MSF-OCA's values and principles?**
2. **Have I asked for advice from others who know more about the matter in order to make an informed decision?**
3. **Am I certain that my behaviour would not negatively impact someone's life, health, safety, security or reputation?**
4. **Would I behave the same way in a company or organisation I owned?**
5. **Is there another way to behave that does not give rise to the same concerns?**

If the response to any of the above questions is "no," then you must speak with someone in the line management, the RBU, the HR department, or a trusted colleague before you act.

5. MISCONDUCT

This section aims to enhance a common understanding of behaviours that constitute misconduct in MSF-OCA. As employees and representatives, we must not engage in the behaviours described below, which MSF-OCA considers as unacceptable and not in line with our values and principles.

Disagreements between a manager and a supervisee about work-related matters such as the supervisee's work performance or contract renewal do not amount to misconduct on the part of the manager or supervisee, if they responsibly express their feedback or concerns and act in line with their roles and duties. In particular, managers have a responsibility to give full, balanced, and constructive feedback and to take appropriate action as needed.

The following forms of misconduct and examples are not meant to be exhaustive and may differ to some extent from the legal definitions in effect in each of the countries in which MSF-OCA operates.



A. Harassment or Bullying⁶

Harassment or bullying means unwelcome and usually repeated behaviour that might reasonably be expected to cause offence to the affected person.

Explanatory note:

- ✚ Whether behaviour is considered unwelcome depends on the viewpoint of the affected person. Whether the behaviour could reasonably have been expected to cause offence is assessed based on MSF's values, principles and standards for a respectful working environment.
- ✚ Harassment or bullying usually implies a series of incidents or a pattern of behaviour. It may take the form of words, gestures, visuals, actions or inactions.
- ✚ The term 'offence' has a broad meaning, which includes to annoy, alarm, intimidate, demean, belittle, or humiliate another.

Examples:

- Humiliating a person through shouting, insults, or jokes, often in front of others.
- Sending insulting messages (e.g. through notes, email, phone call or other means).
- Displaying pictures that are demeaning or threatening in nature including posters, website content, or social media images.
- Spreading malicious gossip.

B. SEAH: Sexual exploitation, abuse, and harassment

1. Sexual Exploitation

Sexual Exploitation means using authority, influence or control over resources to pressure, coerce or manipulate a person to provide sexual favours in exchange for resources or the offer of resources.

Explanatory note:

- ✚ It involves an abuse of vulnerability or power differential for sexual gain personally or for a third party. The authority, influence or control over resources can be actual or perceived.

⁶ The terms harassment and bullying are often used interchangeably in the working environment and can have the same impact on the affected person. Another term that is also used similarly is 'psychological harassment'.



Examples:

- The exchange of sex or sexual favours for money, employment, goods or services. This includes **(a)** any exchange of sex for assistance given to patients or other stakeholders in the local communities in which MSF serves **(b)** any exchange of sexual favours for employment benefits or training opportunities.
- Use of the services of sex workers.
- Sexual relations with a child: this means sex with a person under the age of 18 years, regardless of age of majority or consent locally.⁷
- Sexual relations between employees/representatives and patients or other persons directly receiving services in MSF projects regardless of consent.⁸
- Engaging in or facilitating the sex trafficking of persons.

2. Sexual Abuse⁹

Sexual Abuse means touching a person's private body parts or having other sexual contact with a person, without that person's consent or by force, threat of force, surprise, manipulation or under coercive conditions. Sexual abuse covers a broad range of unwanted sexual behaviour involving contact with private body parts. It can range from touching to physical assaults of a sexual nature.

Explanatory note:

- ✚ When this definition refers to a person's private body parts, it means the part of a person's body kept covered in public. This includes, but is not limited to, bodily parts involved in reproduction.
- ✚ Local customs and norms will be taken into account when considering what constitutes private body parts in a particular context.

Examples:

- Unwanted kissing.
- Unwanted touching of private body parts.
- Non-consensual sexual intercourse.
- Forcing a person to perform a sexual act on another person.

⁷ Excludes situations where at the date of adoption of this CoC, the employee/representative was already legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship (in accordance with national laws).

⁸ Excludes situations where the employee/representative is already in a relationship with a patient or other person directly receiving services from MSF.

⁹ MSF-OCA manages cases in an administrative process. It therefore does not qualify incidents of non-consensual sexual intercourse as rape since this is a criminal determination that should be made by the appropriate national court. It will however recognise the outcome of a criminal case in which there is a finding of rape.



3. Sexual Harassment

Sexual Harassment is unwelcome and usually repeated behaviour of a sexually explicit or suggestive nature that might reasonably be expected to cause offence to the affected person. It covers verbal, non-verbal and written behaviour, as well as physical acts on non-private body parts.

Explanatory note:

- ✚ Whether behaviour is considered unwelcome depends on the viewpoint of the affected person. Whether the behaviour could reasonably have been expected to cause offence is assessed based on MSF's values, principles and standards for a respectful working environment.
- ✚ While sexual harassment usually involves a pattern of conduct, it may also occur as a single incident.
- ✚ The term 'offence' has a broad meaning, which includes to annoy, alarm, intimidate, demean, belittle, or humiliate another.

Examples:

- Verbal forms of sexual harassment may include unwelcome sexually explicit or suggestive:
 - oral threats, jokes or insults; comments about a person's body; questions about a person's intimate life; comments about one's own preferences or abilities.
 - written messages in hard copy or in the form of emails, text messages, videos, or other electronic media.
- Non-verbal forms of sexual harassment may include unwelcome sexually explicit or suggestive: gestures, leering or whistling; indecent exposure; display of pictures, posters, or objects.
- Unwelcome physical acts on non-private body parts may include: forced hugs; standing too close to a person; cornering or trying to be alone with a person unnecessarily; performing unwanted massages.

C. Discrimination

Discrimination means any unfavourable treatment or arbitrary distinction based, in whole or in part, on a person or group's actual or perceived race, sex, gender, gender identity, gender expression, sexual orientation, religion, nationality, ethnic origin, disability, age, language, social origin or other similar characteristics that contribute to a person or group's identity.

Explanatory note:

- ✚ Exceptions may apply if there is a legitimate aim that can be objectively justified and the means of achieving that aim are appropriate and necessary.



Examples of discrimination:

- Not hiring, not offering equal career opportunities, or not renewing a person's contract because of (actual/perceived) personal characteristics.
- Offensive language or hostile behaviour based on an individual or group's (actual/perceived) personal characteristics such as:
 - Ridiculing or belittling a person/group's abilities or skills.
 - Undermining a person's work or deliberately preventing their access to the appropriate means to do it (information, documents, equipment, etc.).
- Subtle forms of discrimination or micro-aggressions based on (actual/perceived) race or other personal characteristics such as:
 - Inappropriate comments, often based on stereotypes.
 - Exclusion from activities available to others in a similar circumstance.
 - Reluctance to provide the same level of support as given to others in a similar circumstance.

Example of Exception:

- Offering certain country assignments to persons of a specific profile due to operational or security reasons.

D. Abuse of Power

Abuse of Power means improper use of a person's power to the disadvantage of another person usually in dependent or vulnerable role.

Explanatory note:

- ✚ Behaviour is considered to be improper if a person uses the power attributed to them, whether actual or perceived, for purposes other than to fulfil their duties and responsibilities.

Examples: a manager:

- refusing to provide training or other career opportunities on account of personal dislike for a team member;
- improperly influencing the career or employment conditions of another, including, but not limited to assignment, contract renewal, performance evaluation, or working conditions; or
- using intimidation, threats, or coercion against a subordinate such as threat of dismissal or other disciplinary measure that does not follow MSF-OCA's disciplinary process.

E. Exploitation

Exploitation means using authority, influence or control over resources to pressure, coerce or manipulate a person to do something in exchange for resources or offer of resources.



Explanatory note:

- ✚ Exploitation involves an abuse of vulnerability or power differential for gain personally or for a third party. The authority, influence or control over resources can be actual or perceived.

Examples:

- An MSF employee offering services to patients or other stakeholders in exchange for (implied or expressed) payment to the employee or a third party.
- An MSF employee demanding certain goods from local community members before providing access to a project location.
- An MSF ambulance driver, demanding payment from patients before transporting them to the healthcare centre.

F. Aggression

Aggression means any act or threat of physical harm.

Examples:

- Kicking, slapping, pushing, or hitting another person.
- Sending death threats to a person.
- Destroying personal property.

G. Substance Abuse

Substance abuse means the use of alcohol or drugs by an employee or representative in such a manner that it influences their behaviour or work and may affect the wellbeing or safety of stakeholders and/or the interests and reputation of MSF-OCA.

Possible signs:

- Arriving at work smelling of alcohol.
- Showing a lack of focus at work.

Substance abuse is not only harmful to health and safety, it can cause or contribute to other forms of misconduct. If you are using any substance that may impair alertness or judgment, or witness a colleague who may be impaired and, therefore, possibly impacting the safety of others or MSF's interests, you should report it. We encourage anyone who may have an alcohol or drug problem to seek assistance.



H. Healthcare Professional Misconduct¹⁰

Healthcare professional misconduct occurs when a health professional misrepresents their skills, knowledge, or capabilities in the conduct of their work. It can also occur when a health professional does not follow best practice or disregards safety processes in a manner not based on reasonable clinical judgement.

Example:

- Prescribing a medical treatment or procedure that is not supported by current MSF clinical standards, when relevant guidelines or protocols are available.

I. Fraud

Fraud is any intentional act or omission by an individual designed to deceive others and to obtain an unauthorised benefit to themselves or a third party.

Fraud can include, amongst others:

Data fraud: the alteration of records, manipulation of numbers and statistics in any part of the administration or providing of information which is or may be misleading, false or deceptive, in each instance whether for personal gain or to cause loss to MSF or a third party.

False accounting: the destroying, defacing, concealing, or falsifying of any account, record, or document required, or providing information which is or may be misleading, false or deceptive, for any accounting purpose in any part of the administration of MSF-OCA or a third party, in each instance whether for personal gain or to cause loss to MSF or a third party.

Examples:

- A finance employee altering an invoice to increase the charges and pocketing the additional amount for themselves.
- A supply employee colluding with a supplier to increase the costs to MSF and splitting the benefits between them.
- A medical employee falsifying patient consult data to obtain drugs for personal or another's gain.
- Approving or accepting expense claims of management while assuming or knowing that the expenses do not align with the expense policy or are without proper documentation.

J. Theft

¹⁰ Such incidents will be managed under the OCA Healthcare Professional Conduct Panel Review Policy.



The unlawful taking or obtaining of property (both material, such as goods, money or assets, and immaterial, such as information) with the intent to permanently withhold it from a person or organisation without consent or permission.

Examples:

- Theft of fuel – an MSF driver filling personal fuel cans at the petrol station while filling an MSF car.
- Theft of medical supplies – a pharmacist taking small quantities of medical supplies for personal use.

K. Corruption

Corruption is the abuse of entrusted power or influence for private gain. It includes bribery, facilitation payments, extortion, deception, collusion and abuse of power, embezzlement and trading in influence.

Bribery and facilitation payments are forms of corruption:

Bribery: the offering, promising or giving of a financial or other advantage to another party in exchange for or as an inducement to improperly performing a relevant function or activity (active bribery). It is also an act of bribery to request, accept or agree to accept such an advantage in exchange for improperly performing a relevant function or activity (passive bribery). The intended advantage need not be of a large monetary value and may be in the form of goods, services or information.

Facilitation Payments: a form of active bribery consisting of typically small, unofficial payments made to secure or expedite the performance of a routine or necessary action, to which the person making the payment has or believes to have a legal or other entitlement. The payment does not need to be monetary in nature; it can be of any value, and may include goods, services or information.

Examples of Corruption:

- Active bribery – a supply employee giving a bribe to custom authorities with a view to import goods without complete paperwork or to by-pass legal requirements.
- Passive bribery – an HR employee requesting a financial or other form of advantage from an applicant to receive favourable treatment during a recruitment process.
- Facilitation payment – an HR employee paying a state administration employee to facilitate the timely issuance of a visa for an MSF employee.
- Facilitation payment – an MSF driver giving guards cigarettes in return for passing a checkpoint swiftly.
- Facilitation payment – a supply employee giving custom authorities a gift to release properly imported goods.

L. Misconduct related to the case management process

Forms:



1. **Retaliation** is any deliberate negative action or omission taken against a person for making a report about possible misconduct or cooperating in relation to such a report, in good faith.

Examples of retaliatory measures:

- Harassing conduct.
- Transfer or change of duties, place of work or working hours, or reduction in salary.
- Scolding a person for making a report through the wrong channel.
- Ignoring or refusing to speak with a person for making a report.

2. **Interference in a case** means any act or attempt to deliberately prevent, influence or disturb the case management process related to a report of possible misconduct.

Examples:

- Threatening to harm a complainant or whistleblower if they report possible misconduct or cooperate in relation to a report.
- Destroying or hiding evidence connected to a case.
- Providing misleading information during an investigation interview.

3. **False reporting** means making a report or providing information about possible misconduct that is deliberately false.

Example:

- Deliberately making a false report concerning possible misconduct against a person to harm their reputation.

4. **Breach of confidentiality** is when confidential information or data related to the case management process is shared with a third party in a manner not in line with MSF's regulations or applicable laws.

Example:

- A witness sharing or discussing confidential information related to an investigation with colleagues.

6. REPORTING AND DEALING WITH VIOLATIONS

Each employee and representative is expected to show the responsible behaviour set out in section 4 and refrain from conduct set out in section 5.



As an employee or representative, you have a duty to report any concerns of possible violations of the CoC through the channel you are most comfortable with, such as your line manager, another member of management, a relevant department such as HR, or complaints channels mandated by law. You can also, at any point, report directly to the Responsible Behaviour Unit (RBU): responsiblebehaviour@amsterdam.msf.org or **+31 (0) 6 20 94 19 17 (phone/WhatsApp)**.

Employees and representatives going through the complaints process can contact the Staff Health Unit for emotional support at any time: Staffhealth.psychosocial@amsterdam.msf.org

MSF-OCA treats all received complaints confidentially to the extent possible, taking into account its interests and those of its stakeholders, and in line with the OCA Data Protection Policy and relevant national laws and regulations. MSF-OCA also takes measures, as appropriate, to safeguard the wellbeing of complainants, subjects, and witnesses.

MSF-OCA does not accept violations of the CoC. Depending on the severity of CoC violations, disciplinary measures may include, but are not limited to, oral and written warnings, mandatory trainings, suspension, and dismissal.

For more information on complaints channels and MSF-OCA's process for addressing complaints, employees and representatives should refer to the internal regulations and other relevant policies for their country programme. Any questions can be referred through the line management or to the RBU.

ANNEX

Annex 1: Country programme policies that supplement this Code of Conduct (where relevant)



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Document control

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