

Anti-Corruption Code of Conduct

Corruption is present in all areas of social life. In the field of public administration corruption leads to high material and immaterial damages, especially since it causes citizens to lose confidence in their country's administration.

This code of conduct applies to all employees (including both supervisors and staff members) employed by the public authorities of the Land of Baden-Württemberg and the Land's district courts – provided they are involved in legal administrative work – as well as to the heads of public authorities/agencies.

As a supplement to the administrative regulation of the Land of Baden-Württemberg and the Ministries on the prevention of illegal and dishonest influence on administrative activities and the prosecution of related criminal and disciplinary offenses (VwV Korruptionsverhütung und -bekämpfung) from 15 January 2013, this Code of Conduct aims to enable staff members, supervisors and department heads to recognize and prevent corruption and to react in an appropriate manner.



**Corruption harms the reputation
of the Federal Republic and its
employees.**

Corruption leads to high economic damages.

**Corruption is no trivial offense, but is punishable
by law.**

Corruption can already start with small favours.

Corruption makes you dependent.

Corruption can cost you your job.

I. General guidelines for all employees

- 1. Set a good example: Show that you neither support nor tolerate corruption.**
- 2. Refuse any attempt to involve you in corrupt activities immediately and inform your supervisor and the contact person for corruption prevention.**
- 3. If you suspect that somebody wants to ask you for preferential treatment contrary to your duty, ask a colleague to join you as a witness.**
- 4. Make sure your work can be reviewed at any time.**
- 5. Separate your job strictly from your private life. Check to see whether your private interests might conflict with your work duties.**
- 6. Help your workplace in rooting out corruption. Inform your supervisor and the contact person for corruption prevention in case of specific indications of corrupt behaviour. You can also turn to the legal counsel of trust for the fight against corruption or inform the state office for criminal investigation, the Landeskriminalamt Baden-Württemberg, via the “Hinweisaufnahmesystem”, an anonymous portal for passing on information related to corruption.**
- 7. Support your workplace in detecting deficient organizational structures that favour corruption.**
- 8. Make sure to be informed on current legal regulations on corruption prevention and take part in basic and advanced training on preventing corruption.**
- 9. If you are already involved in corruption, free yourself from the constant fear of being caught by confessing on your own initiative! If your information helps clear up the facts, it may mitigate the legal consequences in respect to your punishment and your employment in the public service.**

Ad 1:

Set a good example: Show that you neither support nor tolerate corruption.

Upon hiring, each employee agrees to abide by the Constitution of the Federal Republic of Germany and its laws and to fulfil his or her tasks conscientiously. Employees must conduct themselves as expected from a public employee and must act in a way that demonstrates their support for the free democratic constitutional order within the meaning of the German Basic Law. Therefore, all employees are to perform their functions in an impartial and fair manner.

These duties are no empty phrases that employees agree upon, but a commitment that must be reflected in each individual's professional and private everyday life.

Corrupt behaviour conflicts with these duties and harms the reputation of the public service. It destroys trust in the impartiality and objectivity of the public administration and thus the basis for living together as a community.

For this reason, every employee has the task of acting in a way that sets a good example for co-workers, supervisors and the public.

Ad 2:

Refuse any attempt to involve you in corrupt activities immediately and inform your supervisor and the contact person for the prevention of corruption.

When dealing with persons outside your agency, e.g. with bidders, contractors or in the course of regulatory activities, you must clarify things from the outset and avert any attempt at corruption immediately. You must never give the impression that you would be receptive to 'small gifts'. Do not be afraid to reject or return a gift, asking the giver to understand that rules prevent you from accepting.

If you work in an administrative area involved in awarding public contracts, you have to be particularly sensitive to attempts of third parties to influence your decisions. Most corrupt activities take place in this area.

Adhere strictly to the law and observe section 3 subsection 3 of the collective agreement for public service employees of the German Länder (TV-L) or section 42 of the act on the status of civil servants (BeamtStG) as well as no. 32 of the administrative regulation of the Ministry of the Interior on the implementation of legal provisions for civil servants (BeamtVwV) referring to the ban on accepting rewards, gifts and other advantages. The latter applies to civil servants as well as to all other employees in the public service.

If a third party asks you for a questionable favour, inform your supervisor and the contact person for corruption prevention immediately. On the one hand, this helps to avoid any suspicion of being corrupt; on the other, it may under certain

circumstances help to take legal action against the third party. If you reject such attempts but do not tell your supervisor or the contact person for corruption prevention, the same party will go to one of your co-workers and try to corrupt him or her. For this reason, also protect your co-workers by conscientiously disclosing third parties' attempts at corruption.

All staff members (supervisors and staff) have to work together so as to present a united and credible front.

Ad 3:

If you suspect that somebody wants to ask you for preferential treatment contrary to your duty, ask a colleague to join you as a witness.

Sometimes you may have to meet with persons you think may try to involve you in a questionable activity which will not be easy for you to turn down.

In these cases, it is often not enough to distance yourself clearly from such attempts. You should not try to deal with the situation on your own but ask a co-worker to join you. Talk about the situation beforehand and ask your co-worker to act in such a way as to avert any attempt at corruption.

Ad 4:

Make sure your work can be reviewed at any time.

Your working methods should be transparent and comprehensible for others.

As you are likely to leave your position at some point (promotion, transfer) or to be away for short periods (illness, holidays), your working methods should be transparent enough to enable a successor or substitute to familiarize him- or herself with your duties at any time. Transparency in your record-keeping also helps you protect yourself against implicit or explicit accusations of dishonesty in the course of reviews or inspections.

Unofficial records should be kept only if this is absolutely necessary for your work.

Ad 5:

Separate your job strictly from your private life. Check to see whether your private interests might conflict with your work duties.

Corruption attempts often start when a third party begins to treat a work-related contact as a private one. It is of course particularly difficult to deny a 'favour' when you are on good private terms with somebody and when you or your family receive advantages and benefits (concert tickets, discounts on holidays, invitations to

expensive meals which you cannot reciprocate). You should make clear to your private contacts that you are obliged to keep your job strictly separate from your private life so as not to be suspected of accepting advantages.

Your agency and every citizen are entitled to your fair, appropriate, impartial behaviour. For this reason, check every procedure for which you have or share responsibility to see whether your private interests or those of your relatives or of organizations to which you feel obliged could lead to a conflict with your professional obligations. Avoid any impression of possible partiality.

If you feel that your obligations and your private interests or the interests of third parties to whom you feel obliged might come into conflict in regard to a specific task, inform your supervisor so that he or she can respond appropriately (e.g. by releasing you from individual activities).

You must also clearly separate any secondary employment you are engaged in or are seeking from your main employment. Personal relations arising from secondary employments must not influence your main professional activities. If in doubt, consider giving up the secondary employment. Also bear in mind that you might face sanctions under public service law or labour law if you are engaged in a secondary employment that is subject to authorization but has not been authorized or if you do not inform your employer of secondary employment not subject to authorization. Explicit procedures on the application of current secondary employment regulations for civil servants of the Land of Baden-Württemberg can be found in the respective valid version of the BeamtVwV.

Irrespective of this, sooner or later your reputation – and consequently the reputation of the entire public service – will be damaged if you have given priority to your private interests in case of conflict. This applies all the more if you hold a position of influence.

Ad 6:

Help your workplace in rooting out corruption. Inform your supervisor and the contact person for corruption prevention in case of specific indications of corrupt behaviour. You can also turn to the legal counsel of trust for the fight against corruption or inform the Landeskriminalamt via the Hinweisaufnahmesystem.

Corruption is often described as an invisible crime since there are only perpetrators (mostly two): the briber and the bribed, both of whom evidently have no interest in being exposed and thus will do anything in their power to cover up their criminal activities. Corruption can be prevented and fought only if everyone takes responsibility and strives for a corruption-free workplace. This means that everyone must seek to ensure that third parties have no possibility of dishonestly influencing

the decision-making process. It also means that one should not cover for corrupt co-workers out of a mistaken sense of solidarity or loyalty. Everyone is obliged to assist with the investigation of criminal activities and to prevent his or her workplace from damage. The actions of one person alone can affect the whole staff. For this reason, do not participate in attempted cover-ups.

You should not hesitate to talk to your supervisor or the contact person for corruption prevention if the behaviour of other employees provides reasonable grounds for the suspicion that they could be corrupt. Alternatively, you can also turn to the legal counsel of trust of the Land of Baden-Württemberg as an independent point of contact anytime. The legal counsel of trust accepts information on suspicion of corrupt activities and verifies whether they provide grounds for criminal prosecution. If required, he can guarantee confidentiality to you as an informant. Furthermore, you have the option of using the anonymous portal of the Landeskriminalamt Baden-Württemberg (<https://www.bkms-system.net/bw-korruption>). The portal enables you to contact the police while ensuring your anonymity. The Landeskriminalamt will assess the received information and may contact you via the anonymous mailbox if necessary. This may be the case if the lead is still vague and further information is required.

It is however absolutely essential that you express a suspicion only if you have reasonable grounds. Under no circumstance should others be denounced if the claims cannot be substantiated.

Persons who are obligated to initiate proceedings in accordance with the principle of mandatory prosecution cannot turn to the legal counsel of trust or use the anonymous portal.

Ad 7:

Support your workplace in detecting deficient organizational structures that favour corruption.

Often, procedures that have been followed for a long time result in 'islands' which are especially conducive to corruption. These can be procedures in which one staff member is solely responsible for granting privileges. Or they might be processes which are carried out in a nontransparent way, whether consciously or unconsciously, and thus hinder or even prevent review. In most cases, changing organizational structures can remedy the situation. That is why all staff members should provide those responsible for organization with relevant information in order to contribute to clear and transparent work processes. Within operational units, too, work processes must be transparent enough to stop corruption before it starts.

Another effective means to deal with the danger of corruption is staff rotation. This personnel management tool should be extensively used in areas especially vulnerable to corruption. Doing so requires that staff are willing to take on different

functions at regular intervals – as a rule, the period of assignment should not exceed five years – even if this usually results in more work (time needed to familiarize oneself with new tasks).

Ad 8:

Make sure to be informed on current regulations on corruption prevention and take part in basic and advanced training on preventing corruption.

The applicable provisions concerning the prevention of and the fight against corruption are summarized in the administrative regulation of the Land of Baden-Württemberg and the Ministries on the prevention of illegal and dishonest influence on administrative activities and the prosecution of related criminal and disciplinary offenses (VwV Korruptionsverhütung und -bekämpfung). If you work in an area especially vulnerable to corruption, take advantage of basic and advanced training offered by your workplace on forms of corruption, risk situations, preventive measures, and consequences of corruption.

Ad 9:

If you are already involved in corruption, free yourself from the constant fear of being caught by confessing on your own initiative! If your information helps clear up the facts, it may mitigate the legal consequences in respect to your punishment and your employment in the public service.

Most cases of corruption are discovered eventually. Take action before this happens. This may reduce the severity of your punishment in the subsequent criminal and disciplinary proceedings.

II. Guidelines for supervisors and heads of public authorities and agencies

- 1. Rules that apply to your staff members also apply to you, make sure to abide by them.**
- 2. Instruct your staff on the correct conduct in instances of corruption and point out potential corruption cases.**
- 3. Make sure that any room for discretion in decision-making is clearly defined and limited as appropriate. Discuss with your staff the structures for delegating authority, the limits of discretionary powers and the need for co-signatures.**

- 4. Make an extra effort in looking after your staff in areas of activity which are especially vulnerable to corruption.**
- 5. Guarantee an attentive and transparent administrative and task-related supervision. Do not let your staff members down.**
- 6. Take immediate action if you suspect someone of corruption.**

Ad 1:

Rules that apply to your staff members also apply to you, make sure to abide by them.

Supervisors lose their credibility if they themselves do not adhere to the code of conduct followed by their subordinate staff members. They create an effect of imitation which can be a source for corruption. Furthermore, staff members will not confide in their supervisors with hints to illegal activities if the supervisors themselves disregard legal provisions.

Ad 2:

Instruct your staff on the correct conduct in instances of corruption and point out potential corruption cases.

Talk to your staff regularly about their obligations arising from the ban on accepting rewards and gifts and other advantages according to section 42 BeamtStG or the correspondent collective agreements, section 3 subsection 3 TV-L.

Ensure that your staff members have access to the administrative regulation on the prevention of and fight against corruption (VwV Korruptionsverhütung und -bekämpfung). Inform them of the administrative regulation in an appropriate manner

- at the start of the employment relationship
- when a staff member changes his or her area of responsibility
- when other substantial changes of the employment relationship arise.

The administrative regulation should not only be discussed in these cases, but also during other occasions, for instance in advanced training seminars or employee performance reviews.

Ad 3:

Make sure that any room for discretion in decision-making is clearly defined and limited as appropriate. Discuss with your staff the structures for delegating authority, the limits of discretionary powers and the need for co-signatures.

In areas of activity that are especially vulnerable to corruption, make sure that operations are processed flexibly under numeric or alphabetical systems, for example by assigning tasks randomly, or by repeatedly changing the numeric or alphabetic ranges for which individual staff members are responsible.

If possible, implement the four eyes principle in your area of responsibility as well. It might be advisable to form teams. Check whether staff members need to be accompanied by a second staff member to local appointments; whether on-site checks, etc. are advisable; and whether offices with glass walls should be set up for visitors so that outside contacts always take place under greater scrutiny. If this is not possible or feasible, organize controls at frequent intervals.

Ad 4:

In areas of activity which are especially vulnerable to corruption, prevention also requires extra effort in looking after your staff.

The following measures will help you in doing so:

- Always be aware of the increased risk for individuals.
- Keep in constant dialogue with your staff and be aware of any work-related and private problems staff members may be facing.
- If you become aware that a staff member faces conflicts of interest due to his or her secondary employment or activities of a family member, provide a solution, e.g. by releasing the staff member from certain tasks.
- Special vigilance is required if staff members show signs of feeling either overtaxed or not challenged enough.
- You must also pay special attention if you become aware of staff members' personal weaknesses (e.g. problems with addiction, an inclination to expensive hobbies or excessive debt). Staff whose personal finances are in disorder should not be in positions where they are responsible for procurement activities or where they are particularly vulnerable to dishonest influence by third parties.
- Finally, if any staff member is openly dissatisfied with his or her employer, you must be particularly vigilant and take steps to deal with such dissatisfaction.

Staff members who report knowledge or observation of corrupt behaviour must be protected from disparagement by colleagues. You must guarantee confidentiality to your colleagues.

Ad 5:

Guarantee an attentive and transparent administrative and task-related supervision. Do not let your staff members down.

You should be aware that in the case of corruption, contrary to other offenses, there is no victim in the usual sense who files a complaint. Therefore, preventing corruption essentially depends on your own awareness and that of your staff. It also requires your administrative and task-related supervision – your core duty as supervisor in any case. A mistaken notion of a co-operative management style or a laissez-faire approach can be disastrous in especially vulnerable areas.

For this reason, you should try to

- optimize the monitoring of transactions and operations by for example incorporating control mechanisms (re-submission of files and records, etc.) in management procedures,
- prevent individual staff members from isolating themselves from co-workers and becoming too independent,
- keep a sharp lookout for signs of corruption (see number 4.1.1 VwV Korruptionsverhütung und -bekämpfung),
- conduct random checks to see whether discretionary powers have been used according to the rules,
- assess how administrative activities are perceived by clients seeking administrative services.

Take advantage of advanced training offered on preventing corruption.

Ad 6:

Take immediate action if you suspect someone of corruption.

In case of specific and well-founded suspicion of corruption, you should immediately inform the contact person for corruption prevention or your supervisor and the personnel department and agency management. Depending on the circumstances, you might also have to take rapid and appropriate measures to prevent a cover-up, such as

- withdrawing certain ongoing or completed operations from particular staff members,
- prohibiting access to records,
- securing the office, work-related files or relevant equipment (e.g. computers).

The extent of measures required can only be based on the circumstances of the individual case.

Remember that corruption is not a trivial offense and that concealment can also harm your reputation.

If you break the rules, you may be guilty of a disciplinary and criminal offense.