

THE CONSUMER GOODS AND SERVICES OMBUD CODE OF ETHICS

PREAMBLE

The Consumer Goods and Services Ombud (CGSO) is committed to promoting the highest degree of ethical behaviour. The CGSO Code of Ethics provides a common set of professional ethical principles to which members of staff adhere in the execution of their duties.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity and dignity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall merit the respect of all, and shall promote procedural fairness in the content and administration of his duties.

The Ombudsman must ensure that he or she acts independently and objectively and free of outside influence in resolving any complaints. All staff members of the office of the CGSO must ensure that their conduct protects and promotes the reputation and image of the office. It is a requirement that all staff members of the CGSO act ethically and in accordance with this Code of Ethics.

The Ombudsman should appoint an ethics committee drawn from his staff to monitor and enforce this Code and to advise staff members when approached for guidance on specific situations by them.

Compliance with this Code of Ethics should be made a condition of employment for all staff members of the CGSO's office and any breach of its terms should be treated as misconduct.

1. General guidelines of conduct

These guidelines which are endorsed by the Board of the CGSO provide guidance on the aspects of integrity and impartiality but they cannot and do not cover every situation an Ombudsman or staff member may encounter. It applies to all staff members alike, irrespective of seniority. If any staff member is uncertain about what to do in any situation, guidance should be sought from the Ombudsman.

1.1 staff members of the office of the CGSO shall at all times maintain the good reputation of the office and shall: -

- i) render, with integrity, a responsible and effective service of high quality which is accessible to complainants;
- ii) not abuse the authority that he or she has as a staff member of the office in dealings with any person, complainant or organisation;
- iii) act fairly and impartially to all parties when exercising any discretion in the performance of duties;
- iv) seek the truth no matter what the consequences may be.

1.2 Exercise those powers conferred on them in a responsible manner particularly by:

- i) performing all their duties impartially without favouring any entity or complainant and without regard to status, sex, race, religion, political beliefs or aspirations;

ii) acting honestly, respectfully, transparently and in an accountable manner;

iii) treating all persons with equal consideration and objectivity;

iv) using any discretion vested in them sensibly, impartially and reasonably.

1.3 Staff members shall refrain from divulging any information received in the course of their work and duties unless the performance of duty or the needs of justice require otherwise;

1.4 Resist and report any offers of bribes or other corruption emanating from any source;

1.5 Behave in a manner which does not bring discredit to or impair the dignity or reputation of the office;

1.6 Respect and apply this Code and if they have reason to believe that a violation of this Code or the law has occurred or is about to occur, report the matter to a member of the Ethics Committee or the Ombudsman.

2. Specific policy

2.1 Gifts from entities under the ombudsman's jurisdiction

No gift may be accepted from an entity under the ombudsman's jurisdiction by any staff member where it may be construed that the gift is being offered to them in that capacity, whether it be money or any other item, however small in value.

2.2 Gifts from complainants.

No gift may be accepted from any complainant while a matter is being handled by the office. Complainants who wish to express gratitude to the office once a matter has been resolved, should be requested to send us a letter of appreciation. No amount of money, however small, may be accepted from complainants at any time. See also Bribery.

Should a complainant insist on sending a gift to a member of staff, the gift may only be accepted if:

- i) The gift is delivered to the office and
- ii) The complaint in question has been finalised and
- iii) The complainant has no other current file in the office or complaint pending and
- iv) The gift is one that can be shared among all members of the office i.e. either flowers or edibles such as chocolate, biscuits or fruit. If the gift does not meet these criteria it will be refused or returned, or donated to a charity.

2.3 Social events: including lunches, dinner invitations and invitations to events

2.4.1 Generally

Extreme caution must be exercised in attending events hosted by entities under the CGSO's jurisdiction, consumer bodies, political organisations or other organisations. If invited to an event, staff

members should find out whether the name of the office or the staff member's name as a representative of the office of the CGSO, will be referred to in the speeches.

2.4.2 Specifically:

i) invitations from entities under the CGSO's jurisdiction

Invitations to staff members from entities under the CGSO's jurisdiction must be made to the office generally or to a functionary of the office, not to individual staff members.

If a staff member receives an entity under the CGSO's jurisdiction that is specifically for that member, the invitation must be recorded in the register of events and permission to attend or accept must be obtained from the Ethics Committee or the Ombudsman before the invitation is accepted or the event is attended.

The name of the person and entity who made the invitation to the staff member, the type of function or facility offered, the date, the time and names of those who will be present at the function, must be written in the register.

ii) Invitations from Complainants

If a complainant invites a staff member to such an event, the invitation may be accepted provided that:

- a. The Ombudsman gives permission, and

b. One other person from the office who was involved in the matter is also invited, and

c. The complainant has no further complaints pending with the office.

3. Bribery and intimidation

Bribery occurs when a person, (who can be either a staff member of an entity under the ombudsman's jurisdiction or a complainant or any other person) unlawfully and intentionally offers any staff member of the office any item of value, including money, in return for certain action or inaction by the staff member.

The staff member receiving a bribe must immediately record how the bribe came to be offered and the exact words of the person who offered the bribe.

If a complainant offers a bribe to any staff member the staff member should immediately inform the briber that "you are offering me what I believe amounts to a bribe and we are suspending the investigation into your complaint." The investigation or handling of that complainant's file or files should then be suspended and the matter brought to the attention of the Ombudsman for action, as soon as possible.

Any bribe offered by any person, institution or legal entity to a staff member must be reported by that person to the Ombudsman. Details of the bribe must be recorded in a register.

This register shall record the name of the briber, the amount or nature of the object offered as a bribe, the name of the file/complainant to whom it relates and the date and the time when the bribe was made.

Intimidation occurs when a person, (who can be either a staff member of an entity under the ombudsman's jurisdiction or a complainant or any other person) unlawfully and intentionally threatens any staff member of the office with the intention of forcing a certain action or inaction by the staff member.

The provisions of this section will apply equally, with appropriate changes, if a member or staff is threatened by an outside person or entity.

Any incident of bribery or intimidation should be reported to the appropriate authority (usually the police).

4. Declaring an interest in a complaint

Any staff member who is in a position to take a decision or investigate a complaint where the complainant is known to that staff member, shall declare that interest to the Ethics Committee or the Ombudsman for a decision whether the file should be allocated to another staff member.

A complainant is known if the complainant is a friend, acquaintance, family member, relative or someone that a staff member has had dealings with outside the office. If the complainant is a legal entity, the complainant will be known if the staff member or his or her immediate family has any social, family or business connections of any nature with the complainant.

A staff member may not be impartial in handling a complaint if the member or his or her immediate family:

- i) is indebted to a complainant;
- ii) holds directly or indirectly, through a trust or otherwise, any financial

interest in a complaint or complainant;

iii) is a member of the governing body or is an officer of the complainant.

5. Personal finances of staff members

Any staff member who has a judgment against his or her name for debt or who has received a summons for amounts unpaid, must report the matter to the Ethics Committee or the Ombudsman.

The office will not enter into agreements to pay amounts from staff member's salaries to other organisations or persons owed money by staff members, unless required to do so by law, nor will the office provide money loans to staff members for the repayment of such debts.

Staff members who incur excessive debt which they cannot manage within their financial means, and which the office becomes aware of, through reasons of non-payment could lead to disciplinary action being taken against the individual. The office does not provide loans of any nature to personnel other than in exceptional circumstances, nor will it bind itself in anyway whatsoever in support of loans applied for by personnel from any financial or other institution.

6. Business interests or employment outside the office

No staff member shall take up full-time, part-time or casual employment outside the office where that employment would impair the dignity or the reputation of the office.

No staff member may engage in another income-producing activity or receive a fee for services rendered outside of normal office hours without the prior written consent of the Ombudsman.

This consent may be withheld if in the opinion of the Ombudsman, such activities and or services may in any way whatsoever, adversely affect the services which the staff member is expected to perform for the office.

7. Conduct of members outside the office

Conduct of members of staff when outside the office and in their free time must not impair the dignity or the reputation of the office.

Membership of or association with consumer, political or other organisations must be disclosed to the Ombudsman.

Members of staff may not use their employment at the office to gain an unfair advantage when dealing with any person or organisation in their private capacity.

8. Conduct of staff members inside the office

8.1 Lending and borrowing of money

Staff members may not borrow any money from, nor lend money to any other staff member.

8.2 Gifts

Gifts between members of staff particularly between supervisors and subordinates may only be given for traditional reasons such as birthday,

weddings and Christmas. In the event of a gift being given for any other reason, prior approval of the Ethics Committee must be obtained.

9. Confidentiality

Members of staff must honour the confidential nature of the work performed at the office of the CGSO at all times. Staff members may not divulge confidential information obtained in the course of their employment.

Staff members must safeguard any information about complainants and entities complained against. Staff members may only use information obtained from entities complained against and complainants for the purpose of investigating or processing complaints or to assist a complainant with an enquiry. Any other use of the information or documents is not permitted.

Information obtained during the processing or handling of a complaint may only be disclosed to the parties to the complaint, with the exception of information used for statistical purposes or with the explicit permission of the parties or as required by law.

9.1 Improper use of confidential information

No member of staff may take any action or obtain any interest, property or benefit as a result of the improper use of confidential information obtained from any matter that is lodged with the office, or obtained as a result of knowledge gained in the course of their employment.

No documents or information in the office may be used by any member of staff for any improper use. This confidentiality requirement applies to staff

members whether or not they continue to serve or be remunerated by the office.

9.2 Public presentations on behalf of the Ombudsman

Staff members should at all times take steps to protect and enhance the reputation of the office and its staff members. The content of any public presentations being made by staff members must be approved by the Ombudsman prior to such staff member agreeing to make such a presentation.

9.3 Disclosures to the media

No staff member may disclose any information about or express any view regarding any matter dealt with by the CGSO's office or anything pertaining to the operations of the CGSO's office to the media unless specifically authorised to do so by the Ombudsman.

All communications with the media should be in keeping with the principles contained in this Code, and in particular should be mindful of upholding the integrity and dignity of the CGSO's office.

9.4 Breach of the code

Any breach of this code, or any rule or procedure based thereon, will be viewed in a serious light, and staff members committing such breach will be subject to disciplinary action. Staff members who become aware of a breach of this code are required to immediately bring such breach to the

attention of the Ethics Committee, who must deal with it promptly and equitably and with due regard to confidentiality.