Code of Conduct and Disciplinary Rules- 2018

OPHCD

ORGANIZATION FOR POMOTION OF HEALTH& COMMUNITY DEVELOPMENT

Revised on: January 2024

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OPHCD
Organization for Promotion of Health & Community Development

About OPHCD:

1.Introduction and legal status

Organization for Promotion of Health & Community Development (OPHCD) is a non-government, non-profit, non-political, impartial and independent organization registered with:

- the NGOs Department of the Ministry of Economy of the Government of Islamic Republic of Afghanistan with license No 4160
- the Ministry of Public Health of the Government of Islamic Republic of Afghanistan with the registration No 1316.

The organization established to serve the community and advocate for better coordinating and directing the available resources and activities for provision of quality services to the communities with an equitable manner. OPHCD, as a non-governmental organization committed for a joint mission with having dedicated and expert staff in public health, Water Sanitation and Hygiene, education, community development as well as volunteers who have been working in technical and managerial positions with national and international NGOs since more than one and half decade.

The members of the Board of Directors, senior Management Team (SMT) as well as the volunteers of the organization having appropriate experience, dedication and voluntarism which is a professional contribution to the health, education and development sector for achieving of more sustainable results. The core staff of OPHCD have more than one and half decade of successful experience of being directly involved in **developing** different policies and strategies as well as **designing** and **implementation** of projects in the areas of health, WASH, education and community development sectors such as; Primary Health care (PHC), Basic Package of Health Services (BPHS), Essential Package of Health Services (EPHS), Water & Sanitation and Hygiene, Primary education and Literacy programs, youth awareness and development, Public Nutrition, emergency preparedness and response and disaster risk reduction, trainings and coordination of different humanitarian Aids. Furthermore, the SMT and core Technical, Administration and Finance staff of the organization have up to date knowledge and rich experience of Grant Management, Project Management as well as conducting professional tasks of supportive Supervision, Monitoring, Evaluation, and Researches. Likewise, developing and on-time reporting (monthly, quarterly, annual, end of project and ad-hoc reports) to the donors and stakeholders, presenting the results of the aforementioned programs at the community, organizational, national and international levels are the expertise of the organization's technical and administrative staff.

1.2 Vision

An empowered society with sustainable and self-reliance health, social and economic stability at the community level.

1.3 Mission Statement

OPHCD, as a non-governmental organization is striving for well-being of the society with promotion of health and sustainable development of the communities through advocating for better coordinating and directing the national policies and strategies as well as available resources and activities for provision of quality health, educational, social safety, human right and social welfare, economic, environmental and development services to the communities with the focus on the women and children, drugs users, IDPs and other marginalized group of the society with an equitable manner.

2. Code of Conduct

2.1. Introduction

All employees/consultants and the Board of OPHCD are expected to act responsibly, diligently and skillfully to the extent possible in order to contribute to the aims, objectives and activities of OPHCD. This code cannot address all possible issues which may be faced during employment at OPHCD.

2.2. Purpose

The purpose of the OPHCD Code of Conduct is to:

- ✓ guide and enhance the conduct of OPHCD employees/consultants and the Board in undertaking their roles and responsibilities in participating in activities undertaken by OPHCD in a collegial environment;
- ✓ assist OPHCD employees/consultants and the Board in guiding their behavioral actions and interactions with each other; and build a professional and credible work environment

3. Principles

The OPHCD Code of Conduct is based on the following principles that will guide the behavior and conduct of OPHCD employees/consultants and the Board in undertaking their roles and responsibilities in participating in activities undertaken by OPHCD.

- ✓ Principle 1:

  Respect for the law and system of OPHCD governance
  - ♦ OPHCD employees/consultants and the Board will observe rules and code of conduct of OPHCD
  - ♦ OPHCD employees/consultants and the Board shall comply with all statutory requirements.
- ✓ Principle 2:

Respect for people, their rights and dignity

- OPHCD employees/consultants and the Board accord appropriate respect to the fundamental rights, dignity and worth of all people.
- OPHCD employees/consultants and the Board respect the rights of individuals to privacy, confidentiality, self-determination and autonomy.
- OPHCD employees/consultants and the Board will treat other OPHCD employees/consultants and the Board and all other parties/individuals who are involved in OPHCD activities with equity and respect. This includes courtesy and responsiveness when dealing with others and making decisions that are procedurally fair and equitable
- Avoiding discrimination based on age, gender, race ethnicity, national origin, religion, sexual orientation and gender identity, health, Water Sanitation and Hygiene, community development status, disability, language and socio-economic status.
- Engaging in rational debate allowing for alternative points of view to be expressed
- Avoiding abusive behavior that may reasonably be perceived as harassing, bullying or intimidating.

✓ Principle 3:

Integrity

- OPHCD employees/consultants and the Board seek to promote integrity and honesty in the governance structures and day-to-day functioning of OPHCD.
- In participating in activities undertaken by OPHCD, OPHCD employees/consultants and the Board are honest, fair, and respectful of others.
- OPHCD employees/consultants and the Board strive to be aware of their own belief systems, values, needs, and limitations and the effect of these in undertaking their roles and responsibilities in participating in activities governed by OPHCD.
- OPHCD employees/consultants and the Board avoid conflicts between their private interests and their OPHCD responsibilities with respect to:

  i. Personal relationships

  ii. Sexual relationships

  iii. Financial relationships

  iv. Receipt of gifts

  V. Outside work

  vi. Use of confidential information obtained in the course of participating in activities governed by OPHCD

  vii. External activities and public comment .

✓ Principle 4:

Diligence

OPHCD employees/consultants and the Board undertake their duties in a professional and conscientious manner, which involves:

- Maintaining confidentiality of any OPHCD business
- Staff confidentiality
- Carrying out official decisions and policies faithfully and impartially
- Seeking to attain the highest possible standards of performance
- Exercising care for others
- Adhering to relevant professional codes of conduct where applicable
- Reporting fraud or corrupt conduct to appropriate OPHCD delegation or external authorities

✓ Principle 5:

Competence

- OPHCD employees/consultants and the Board strive to maintain high standards of competence in undertaking their duties.
- They recognize the boundaries of their particular competencies and the limitations of their expertise.
- They provide only those perspectives/opinions for which they are recognized as being experienced in.
- OPHCD employees/consultants and the Board maintain knowledge of relevant information related to the perspectives/opinions they offer, and they recognized the need for ongoing education and training.
- OPHCD employees/consultants and the Board make appropriate use of scientific, professional, technical and administrative resources.

✓ Principle 6:

Professional Responsibility

- OPHCD employees/consultants and the Board uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and adapt their methods to the needs of different populations.
- OPHCD employees/consultants and the Board consult with, refer to, or co-operate with other professionals and institutions to the extent needed to serve the best interests of OPHCD.
- OPHCD employees/consultants and the Board are concerned about the ethical compliance of their colleagues' scientific and professional conduct.
- When appropriate, they consult with colleagues in order to prevent or avoid unethical conduct.
- OPHCD employees/consultants and the Board have a dual responsibility to provide a safe working environment and to ensure work practices are conducted in a safe manner.

- ✓ Principle 7:

  Economy and Efficiency

  - OPHCD employees/consultants and the Board will use OPHCD materials and financial resources only for legitimate OPHCD purposes by avoiding waste of OPHCD resources, by maintaining adequate security of OPHCD property, facilities and resources; and by familiarizing themselves with the code of conduct and ensuring that its principles are observed.

4. Disciplinary Rules and disciplinary panel

General conduct and practices

- ✓ All employees/consultants are obliged to follow the office orders, service policies of OPHCD and also, the orders of the higher authorities.
- ✓ All employees/consultants shall perform honestly and sincerely and maintain secrecy of the official matters.
- ✓ No employee/consultant shall absent from duties or leave workplace without prior approval of the competent authority.
- ✓ No employee/consultant shall take part in any activities detrimental to the interest of OPHCD.
- ✓ No employee/consultant shall engage directly or indirectly in any business contact with OPHCD, shall not take, or give, a bribe to/from anybody, shall not be involved in any acts and omissions liable for disciplinary action.
- ✓ Whilst it is not possible to produce an exhaustive list of topics which cover all situations, the following provide guidance to the type of matter which could lead to disciplinary action, and the likely stage at which this action would commence.
- ✓ **The summary of CoC and Disciplinary rules is prepared in an acknowledgement form, signs by the employee at the initial stage of onboarding to OPHCD and is recorded in the personnel file of the staff.**

5. Misconduct:

This level of misconduct generally relates to continued inadequate performance, but requires that considerable counselling has preceded any disciplinary action in order to try and improve performance.

- ✓ Persistent lateness/failure to arrive at work in time for duty.
- ✓ Unauthorized absence.
- ✓ Habitual absence or/and absence without leave for more than 5 days
- ✓ Failure to notify when sick.
- ✓ Being in an unfit state for work either through alcohol/recreational drug use.
- ✓ Disregarding health and safety requirements.
- ✓ Smoking in non-designated areas.

- ✓ Drinking alcohol /using recreational drugs within OPHCD premises.
- ✓ Misuse of the Agency's facilities/equipment.
- ✓ Behavior that is likely to bring the organization into disrepute.
- ✓ Gossip and rum our mongering like to negatively impact upon another member of staff, volunteer, service user or the Agency
- ✓ Misuse of office telephones and mobile phones for personal use unless authorized by the relevant authority to do so.
- ✓ Willful insubordination or disobedience, whether alone or in combination with others, of any lawful or reasonable request of a superior.
- ✓ Protection sexual exploitation and abuse.
- ✓ Misconduct and/or abusive behavior with one's line manager and/or fellow staff person.
- ✓ Creating public nuisance in the office or around it.

6. Gross misconduct is defined as:

Gross misconduct is defined as:

- ✓ Physical and/or sexual abuse/harassment of a service user, volunteer or a member of staff.
- ✓ Sexual harassment of staff by other staff, whether male or female.
- ✓ Misuse of any staff for personal reasons.
- ✓ Verbal abuse/harassment of a service user, volunteer or a member of staff.
- ✓ Violation of the OPHCD's Equal Opportunities Policy.
- ✓ Breaching of the OPHCD's Confidentiality Policy.
- ✓ Theft, fraud or dishonesty in connection with the Agency's business or property
- ✓ Taking or giving of bribes or any illegal gratification in connection with his/her or other employees of OPHCD.
- ✓ Resorting to illegal strike or 'go-slow' or inciting others to resort to a strike or 'go-slow'.
- ✓ Falsifying, tampering with, damaging or causing loss of OPHCD's official records.
- ✓ Divulgence of confidential and/or serious business matters of OPHCD to outsiders, which can/has adversely, affected OPHCD.
- ✓ Poor annual performance report for 3 consecutive years.
- ✓ Threats to staff or OPHCD property
- ✓ Willful damage to OPHCD property.
- ✓ Buying or selling of recreational drugs or alcohol/drug use on the premises.
- ✓ Misuse of computers and other equipment, in particular viewing and/or downloading unauthorized internet sites
- ✓ Negligence in maintenance of office assets, i.e. Vehicles, equipment, fittings and furnishings causing damage
- ✓ Conducting personal business of private commercial activity within office premises
- ✓ Sexual activity in OPHCD's offices
- ✓ Sexual activity or "cruising" in or near the local colony
- ✓ Gossip and rumor mongering that has the potential to seriously damage the reputation of a staff member, volunteer, service user, or OPHCD.
- ✓ Any other act of commission or omission considered subversive of discipline by the management.

7. SEA reporting channels or Complaint's procedure:

7.1. Definition of sexual harassment.

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be

- Physical,
- Verbal
- Non-verbal.

Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. OPHCD recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

OPHCD recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

Anyone, including employees of OPHCD, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within OPHCD premises or outside, including at social events, business trips, training sessions or conferences sponsored by OPHCD.

7.2. Prohibition of sexual exploitation and sexual abuse & Sanctions and disciplinary measures:

Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards

Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense;

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- ✓ verbal or written warning
- ✓ adverse performance evaluation
- ✓ reduction in wages
- ✓ transfer
- ✓ demotion
- ✓ suspension
- ✓ dismissal

- ✓ Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action or disciplinary measures.
The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

7.3. Complaint's procedures:

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. OPHCD recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, etc.

When a designated person receives a complaint of sexual harassment, he/she will:

- ✓ immediately record the dates, times and facts of the incident(s)
- ✓ ascertain the views of the victim as to what outcome he/she wants
- ✓ ensure that the victim understands the company's procedures for dealing with the complaint
- ✓ discuss and agree the next steps: either informal or formal complaint, on the understanding
- ✓ that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- ✓ keep a confidential record of all discussions
- ✓ respect the choice of the victim
- ✓ ensure that the victim knows that they can lodge the complaint outside of the company
- ✓ through the relevant country/legal framework

Throughout the complaint's procedure, a victim is entitled to be helped by a counsellor within the organization. OPHCD will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment.
OPHCD recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. OPHCD understands the need to support victims in making complaints.

7.4. Informal complaints mechanism:

If the victim wishes to deal with the matter informally, the designated person will:

- ✓ give an opportunity to the alleged harasser to respond to the complaint
- ✓ ensure that the alleged harasser understands the complaints mechanism
- ✓ facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- ✓ ensure that a confidential record is kept of what happens
- ✓ follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped
- ✓ ensure that the above is done speedily and within 2-3 days of the complaint being made

7.5. Formal complaints mechanism:

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy [Choose what options are most appropriate for the OPHCD.

8. The person carrying out the investigation will:

- ✓ interview the victim and the alleged harasser separately
- ✓ interview other relevant third parties separately
- ✓ decide whether or not the incident(s) of sexual harassment took place
- ✓ produce a report detailing the investigations, findings and any recommendations
- ✓ if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- ✓ follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome
- ✓ if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- ✓ keep a record of all actions taken
- ✓ ensure that the all records concerning the matter are kept confidential

- ✓ ensure that the process is done as quickly as possible and in any event within 2-3 days of the
- ✓ Complaint being made

Additional rules and may be added from time to time as they become necessary.

9. Disciplinary panel

When in the course of implementing disciplinary actions against a specific member of staff, the process of implementation will follow the guidelines as identified in the section of the Terms and Conditions of Employment that deals with Disciplinary Procedures.

For personnel in staff cadre (L6 to L8)

- ✓ The initial disciplinary action of verbal warnings will be implemented by the employee's/consultant's line manager and will be minute, a record of which will be given to the Project Director, and a copy filed in the individual's personal file.
- ✓ At the stage of a written warning, a Disciplinary Panel will be established which will initially include all the Department Heads: Finance& Administration and Technical Support.
- ✓ Minutes of the panel will be produced and signed by all members of the panel, and a copy given to the Project Director and also filed in the individual's personal file.
- ✓ If there is a need to consider suspension without pay for any given period, or dismissal, then this Panel will also include the Project Director. If there is a tied vote, then the final decision will be taken by the Project Director.
- ✓ Minutes of this decision will also be taken, signed by all members of the panel and a copy kept by the Director, and one in the personal file of the individual.

For Management Cadre (L3 to L5)

- ✓ The initial disciplinary action of verbal warnings will be implemented by the employee's/consultant's line manager and will be minute, a record of which will be given to the Project Director, and a copy filed in the individual's personal file.
- ✓ At the stage of a written warning, the Disciplinary Panel will be established which will include all the Department Heads and the Project Director.
- ✓ Minutes of the panel will be produced and signed by all members of the panel, and a copy given to the Project Director and also filed in the individual's personal file.
- ✓ If there is a need to consider suspension without pay for any given period, or dismissal, then the Panel including the Project Director will discuss the same and final decision will be made by the Project Director based on the advice of the other panelists, and his own judgment.
- ✓ Minutes of this decision and its reasons will also be taken, and a copy kept by the Project Director, and one in the personal file of the individual.

For Executive Cadre (L2)

- ✓ The initial disciplinary action of verbal warnings will be implemented by the Project Director and will be minute, a record of which will be given to the General Director, and a copy filed in the individual's personal file.
- ✓ At the stage of a written warning, the Disciplinary Panel will be established and will include other Department Heads (if the person to be disciplined is a Department Head) and a representative of the Technical Support Team, along with the Project Director/ General Director.
- ✓ Decisions should be made on a consensual basis, but the final decision rests with the Project Director/ General Director based on the advice of the other panelists with a full explanation of the reasons for the final decision minute.
- ✓ Minutes of the panel will be produced and signed by all members of the panel, and a copy given to the Project Director and also filed in the individual's personal file.
- ✓ If there is a need to consider suspension without pay for any given period, then the above the Disciplinary Panel will be established and will include other Department Heads (if the person to be disciplined is a Department Head) and a representative of the Technical Support Team, along with the Project Director/ General Director. Decisions should be made on a consensual basis, but the final decision rests with the Project Director based on the advice of the other panelists, with a full explanation of the reasons for the final decision minute.
- ✓ Minutes of the panel will be produced and signed by all members of the panel, and a copy given to the Project Director/ General Director and also filed in the individual's personnel file.
- ✓ If there is a need to consider dismissal of a senior member of the staff, the above panel will meet and will include the General Director.
- ✓ Decisions should be made on a consensual basis, but the final decision rests with the Project Director in conjunction with the General Director (or in his absence, his assigned representative) based on the advice of the other panelists with a full explanation of the reasons for the final decision minute.
- ✓ Minutes of the panel will be produced and signed by all members of the panel, and a copy given to the Director and also filed in the individual's personal file.
- ✓ Staff so dismissed can make an appeal to the Project Director, who will discuss this with the
- ✓ General Director before making a final decision.

For Senior Executive Cadre (L1)

- ✓ When L1 requires disciplinary procedures to be put into place, verbal warnings will be issued by the Executive Board with advice from the General Director of OPHCD and a record kept by the Executive Board and at OPHCD Secretariat and in the personal file of the person in question.
- ✓ If there is a need to consider suspension without pay for any period of time, then the General Director will take the advice of the Executive Board, before a decision is taken.
- ✓ This advice will also be minute and a record kept by the General Director and in the personal file of the individual.
- ✓ Such dismissed person shall have a right of appeal to the Executive Board.

10. Equal Opportunity Statement:

- ✓ OPHCD is fully committed to Equal Opportunities and Positive Action in the fields of volunteering, employment, training and its activities.
- ✓ Positive action enables groups that are facing stigma and discrimination or who are under-represented to develop their full potential and start to overcome possible past discrimination.
- ✓ OPHCD will, where appropriate and practicable, take positive action to provide additional encouragement and assistance to particular groups facing discrimination or who are under-represented.
- ✓ OPHCD fully recognizes the forces in society that operate against feminine males and other males who have sex with males, particularly those who are the poor and vulnerable, to become actively involved in OPHCD, in terms of the staffing, volunteers and users.
- ✓ It will seek to encourage such persons to become part of the management structure and will ensure that access is fully available to all without regard to their health, Water Sanitation and Hygiene, community development status, gender identity, sexual preference physical ability, religious affiliation, caste, class, age, marital status political affiliation, nationality or trade union activities (provided these persuasions/organizations are themselves committed to equal opportunities and have accepted the objectives of OPHCD).
- ✓ OPHCD would apply these principles in its recruitment and management of employee/consultant. It would ensure advertisements are placed in appropriate media; that advertisements state that it is an equal opportunities employer; that interview panels reflect as far as possible the disadvantaged sections of society whom it is trying to involve; and that the person(s) recruited have full access grievance and disciplinary procedures.
- ✓ Employees/consultants will also be expected to adhere to these principles, and would face disciplinary action should they found to break them

11. Change control history:

Version No:	Approval date:	Approved by:	Change:
001	Jan,2021	Board of Trustee General Director	01
001	Jan,2024	Board of Trustee General Director	02

Signature..... Date.....2024.....

APPROVED BY:

After the review of the policy, on behalf of the OPHCD Board of Trustees, the said manual is hereby approved and ready to be implemented henceforth.

Reviewed and Approved: Board of Trustee