
1 Anti-bribery policy and procedures

1.1 Background

The Bribery Act came into force in the UK on 1st July 2011. This Act places new obligations on companies to have procedures in place to prevent bribery taking place. A failure to have such procedures could have serious consequences for ECA. The Act has a wide application and affects our activities around the world including those of our sub-contractors and, in the event that we use agents, agents.

The following anti-bribery policy addresses the requirements of the Act and good practice more generally.

1.2 Commitment

ECA is committed to the highest ethical standards and does not undertake or condone bribery in any form.

When working for ECA or in partnership with ECA you are agreeing to abide by the anti-bribery policy and procedures.

1.3 Application

The anti-bribery policies apply to all ECA staff and to all third parties engaged by and representing or acting on behalf of ECA in whatever capacity including subcontractors, agents, intermediaries and business partners.

This means that anyone working for or on behalf of ECA must never solicit, accept, agree to receive, promise, offer, or give a bribe, facilitation payment, kickback or other improper payment.

Standard Terms and Conditions for Consultancy and Sub-Consultancy agreements have accordingly been amended to include terms governing anti-bribery practices.

Where ECA subcontracts others but uses agreements that are based on the Terms and Conditions provided by the subconsultant, ECA staff should check to ensure that they address good anti-bribery practices.

ECA will place its ethical policy on its website and staff should make third-parties engaged by and representing or acting on behalf of ECA aware of this policy. This applies particularly where ECA is working with partners involved in business development and the preparation of proposals before any formal contract or written memorandum of understanding has been signed.

1.4 Bribes

ECA does not solicit, accept, agree to receive, promise, offer or give bribes. This prohibition applies:

- to transactions with foreign or domestic government officials or employees, or with any private company or person, whether in the conduct of domestic or international business.
- whether the payment is made or received directly or through a third party such as an agent, representative, contractor, joint venture partner, client/customer, supplier or family member.

The concealment of bribes for commercial gain in charitable and educational donations is prohibited.

No distinction is made between bribes and 'facilitation' payments, which are also prohibited. A facilitation payment is a small payment to a low-level public official, which is not officially required, to enable or speed up a process which it is the official's job to arrange. We also seek to ensure that our agents, subcontractors and suppliers do not make facilitation payments on our behalf.

A bribe includes a benefit given or received in any form, which may include:

- cash,
- favours,
- unfair advantages for family or friends in respect of training or employment opportunities (secondments, work experience, trainee positions, internships or permanent positions),
- the provision of services,
- gifts, hospitality or entertainment.

1.5 Gifts and hospitality

The giving and receiving of modest gifts and hospitality is acceptable business practice providing that it is proportionate and is not done solely in order to gain or retain business or to create a business advantage.

1.6 Concerns

If you are concerned about possible improper conduct, please refer your concerns to a Director. If in doubt about whether a payment, gift or service constitutes a bribe, please ask a Director.