

**MINISTRY OF INDUSTRY, COMMERCE AND CONSUMER  
PROTECTION (INDUSTRY DIVISION)**

**ANTI-CORRUPTION POLICY**

**1.0 Background of Ministry**

Government is committed to foster the structural transformation of the industrial sector and create sound business environment for continued growth of the Mauritian economy. The Ministry of Industry, Commerce and Consumer Protection acts as a facilitator and catalyst to stimulate industrial development through the formulation and implementation of appropriate policies, programmes and strategies. The Ministry comprises two major divisions namely the Industry and the Commerce Divisions.

**1.1 The Industry Division**

The Industry Division deals with industrial technology and development matters including standards, accreditation, assaying of jewellery as well as export promotions. The Industry Division is manned by more than 105 staff employed at administrative, technical and general/support services levels.

The Division recognizes that the risk of corruption exists in any organisation and is likely to occur if appropriate safeguards are not established. It is committed to maintain the highest level of integrity in the conduct of its affairs through the adoption of an anti-corruption framework.

This Anti-Corruption Policy sets out the full commitment of the Industry Division for the deterrence and detection of corruption and for adherence to a culture of integrity.

## **1.2 Vision (of the Industry Division)**

An innovation-led industrial sector.

## **1.3 Mission (of the Industry Division)**

The mission of the Division is to:

- promote globally competitive industries
- foster development of new growth poles
- stimulate exports in existing and emerging markets
- support green, socially responsible and quality initiatives in enterprises
- enhance market access through internationally recognized standards

## **2.0 Statement of Intent**

The Industry Division will not tolerate corruption in the administration of its responsibilities, whether from inside or outside. It expects the highest standards of conduct from staff, statutory Committees members and those who have dealings with the Division including stakeholders and the general public. It is committed to ensuring that the risks of corruption and the potential losses that might result are minimized.

## **3.0 Policy Statement**

The Industry Division is committed to promoting and adhering to the highest standards of probity, transparency and accountability in its operations and management. Through this policy the Division engages itself to fully and unequivocally adopt a zero-tolerance stance towards corruption and other malpractices and will ensure compliance with relevant anti-corruption legislations.

#### **4.0 Anti-corruption Commitment**

The Ministry of Industry, Commerce and Consumer Protection *has signed the Anti-corruption commitment developed by the ICAC* and has thus committed itself to use all available means and resources at its disposal to combat corruption in all its forms at all times including the application of appropriate prevention and detection control measures.

For the purpose of ensuring sound implementation of this Policy, the Industry Division will ensure that:

- Employees have sufficient knowledge concerning the Anti-Corruption Policy and that it is applied to all undertakings.
- Appropriate preventive measures to counteract corruption are known and used within the Division.
- There are clear procedures and systems for handling suspected cases of corruption.
- All our stakeholders are aware of the Division's Anti-Corruption Policy.

The main objective of this Anti-Corruption Policy is to strengthen and sustain an integrity culture within the Division. This will be achieved through:

- The setting-up of effective processes characterized by broad participation and transparency.
- Regular evaluation of corruption risks, systems and procedures.
- Ensuring that projects have clearly formulated goals, expected results as well as monitoring and follow-ups.
- Learning from experience and continually improving organizational performance and the corporate image.

#### **5.0 Scope and Applicability**

This Policy covers measures and practices of the Industry Division on preventing and combating corrupt, fraudulent, collusive or coercive practices in its activities and operations. This policy applies to Statutory Committee members, management, employees as well as, consultants,

suppliers, contractors, outside agencies doing business and or any other parties having a business relationship with the Division. It will include *inter alia* the following areas:

➤ **Conflict of Interest**

A conflict of interest may be defined as a situation where the private interests of the Public Officer compete or conflict with the interest of the Government or the Officer's public duties in such a manner as to influence the objective exercise of his official or public duties.

Staffs of the Industry Division are strongly advised to abide by the provisions of the Code of Ethics for Public Officers which exhort officers to avoid situations of conflict of interest. According to Section 13 of the Prevention of Corruption Act (PoCA) 2002, conflict of interest is a criminal offence liable to a penal servitude for a term not exceeding 10 years.

➤ **Gift**

The Division adopts a no-gift policy from/to any company, customer or supplier for any service provided.

➤ **Ethical Behaviour**

Management promotes an ethical corporate culture across the Division through effective policies and clear actions and programmes to ensure that all staff perform with integrity and observe the highest ethical standards. All members of staff are advised to comply with the Code of Ethics for public officers.

## **6.0 Definitions**

For the purpose of this policy, corruption is defined as per Section 2 of the Prevention of Corruption Act (PoCA) as amended.

**“act of corruption” –**

- (a) means an act which constitutes a corruption offence; and

- (b) includes –
- (i) any conduct whereby, in return for a gratification, a person does or neglects from doing an act in contravention of his public duties;
  - (ii) the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;
  - (iii) the abuse of a public or private office for private gain;
  - (iv) an agreement between 2 or more persons to act or refrain from acting in violation of a person’s duties in the private or public sector for profit or gain;
  - (v) any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of personal influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person.

All the sections of the law penalising corruption offences are described in Sections 4 to 15 of the Prevention of Corruption Act 2002 as amended. These include bribery by public official, taking gratification to screen an offender from punishment, public official using his office for gratification, traffic “d’influence” and conflict of interest.

## **7.0 Responsibilities for implementing the policy**

The responsibility to develop and coordinate the implementation of the Policy shall rest upon the Anti-Corruption Committee (ACC) established for the purpose. The ACC shall set priorities, provide advice when ethical issues arise and communicate the policy to all levels of management and staff.

## **8.0 The Anti-Corruption Committee**

The committee shall comprise members from both operational and support departments of the Industry Division as follows:-

***Chairperson: Permanent Secretary***

***Members: PAS***

***Director of Industry***

***Director Assay Office***

***Director MAURITAS***

***Representative of Finance Section***

***Representative of Procurement Section***

***Representative of Human Resource Section***

***Secretary: Assistant Secretary***

***The ACC will meet at least once every quarter or as often as needed.***

The ACC shall be responsible for coordinating and implementing the anti-corruption policy. It shall develop a time-bound programme with clear and precise deliverables and related budget and execute it once approved by the top management.

The Chairperson shall decide upon the setting up of sub-committees to assist the ACC in the implementation of any initiatives decided by the ACC.

**Role of Management** – It is the responsibility of Management to promote the Anti-Corruption Policy within their areas of operation. Management is expected to actively deter, prevent and detect corruption by maintaining effective control systems and ensuring that staffs are familiar with the policy.

**Role of Employees** – Each employee shall be familiar and strictly comply with the Policy. Management shall ensure that each employee is provided with a copy of this Policy or otherwise has on-line access.

**Role of Internal Audit** – the Internal Audit has the responsibility to ensure the effectiveness and adequacy of the Internal Control System in place. It should ensure that system is subject to regular audit to provide assurance that they are effective in countering corruption opportunities.

## **9.0 Risk Assessment**

The Industry Division is conscious of the risk of corruption in every sphere of activities and may evolve in the light of changing circumstances and working environment. In its endeavour to proactively address the risks of corruption, the Division shall ensure that a proper risk management process is in place. Risk assessment should focus on a thorough analysis of the functional activities in close collaboration with officers involved in the process with a view to identifying potential corruption risk areas. With respect to risks identified, necessary corruption prevention measures including policies and procedures should be developed to address them. The responsibility to plan, coordinate and monitor the risk management process rests with the ACC.

## **10.0 Structures to Fight Corruption**

The Industry Division shall put up appropriate structures in place to prevent, detect, investigate, handle and report corruption in order to ensure the successful implementation of the Policy. In this context, an Anti- Corruption Committee shall be set up under the chairmanship of the Permanent Secretary as per Section 5.1. Its Terms of Reference are defined at Section 11.0. Moreover, Sub Committees will be set up as appropriate.

## **11.0 Terms of Reference of the ACC**

1. Formulation of the Anti-Corruption Policy.
2. Development of a Corruption Prevention Plan.
3. Development and implementation of an integrated Corruption Risk management Plan.
4. Overseeing and coordinating implementation of corruption prevention strategies.
5. Implementation of recommendations proposed by the ICAC in Corruption Prevention reviews.
6. Look into corruption prevention issues with respect to new projects and policies on which the Ministry is embarking.
7. Building and sustaining an ethical culture to promote integrity of staff within the Ministry.
8. Interact with other Anti-Corruption Committees to share corruption prevention experiences.
9. Report achievements of the Division to the Director General of the ICAC twice yearly.

## **12.0 Legislative and Administrative requirements/context**

The following legal instruments and administrative requirements will be complied with and form the basis of this policy:

- ✓ PoCA 2002
- ✓ Public Procurement Act 2006
- ✓ Finance and Audit Act
- ✓ Equal Opportunities Act
- ✓ Official Secrets Act
- ✓ Jewellery Act 2007
- ✓ MAURITAS Act of 1998
- ✓ PSC Regulations
- ✓ Financial and Management Manual

- ✓ Human Resource Management Manual
- ✓ Code of Ethics for Public Officers
- ✓ Code of Conduct for Public Officials involved in procurement
- ✓ Circulars, guidelines and reports from the Ministry of Civil Service and AR, Ministry of Finance and ED, Public Procurement Office, ICAC and other authorities

### **13.0 Handling and reporting corruption**

Notwithstanding Section 44(1) of the Prevention of Corruption act 2002 as amended which provides that where an officer of a public body suspect that an act of corruption has been committed within or in relation to that public body, he **shall** forthwith make a written report to the ICAC. The Division shall put in place measures that shall facilitate the reporting of suspected cases.

Section 45 of the PoCA as amended provides that where in the exercise of his functions, the Chief Executive (**Permanent Secretary**) of a public body is of opinion that an act of corruption may have occurred, he may refer to the ICAC for investigation.

The ACC may set up a committee to determine whether there is reasonable doubt for suspicion of corruption prior to referral of the case to the ICAC for investigation.

Confidentiality- Information pertaining to complaints shall not be disclosed to any unauthorized party.

### **14.0 Protection of Whistleblowers**

There will be no reprisal by management against "the public official" who in good faith reports an act of corruption or malpractice or suspected illegal and dishonest activity or any activity that he/she has witnessed. However, disciplinary actions may be initiated against any person who knowingly had made false allegations.

**15.0 Training and Communications**

The Industry Division recognizes that the success and credibility of this Policy depends on effective training, communications and the awareness of employees throughout the Division. Management should ensure that the Anti-Corruption Policy is clearly disseminated to all staff and that its contents are understood.

**16.0 Review of Policy**

This policy will be reviewed as and when necessary or in the event of any changes in the laws and regulations that are relevant to the Industry Division.

**17.0 Approval**

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**Chairperson of ACC/Permanent Secretary**

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**Date**