

MINISTRY OF INDUSTRIAL DEVELOPMENT, SMEs AND COOPERATIVES

(INDUSTRIAL DEVELOPMENT 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 Industrial Development, SMEs and Cooperatives (Industrial Development Division) acts as a facilitator and catalyst to stimulate industrial development through the formulation and implementation of appropriate policies, programmes and strategies.

1.1 The Industrial Development Division

The Industrial Development Division deals with industrial technology and development matters including standards, accreditation, assaying of jewellery, verification of gemstones and grading of diamonds. The Industrial Development Division is manned by 111 staff members 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 Industrial Development Division for the deterrence and detection of corruption and for adherence to a culture of integrity

1.2 Vision

An innovation-led industrial sector.

1.3 Mission

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 Industrial Development 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 Industrial Development 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 Industrial Development, SMEs and Cooperatives (Industrial Development Division) *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 Industrial Development 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 Industrial Development 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.

Staff of the Industrial Development 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 Declaration of Assets Act

Relevant staff has the responsibility to comply with the Declaration of Assets Act 2018, as amended, and submit their declaration of assets forms within the prescribed time frame.

8.0 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.

9.0 The Anti-Corruption Committee

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

Chairperson: Permanent Secretary

Members: Deputy Permanent Secretary

Director of Industry

Director Assay Office (Integrity Officer)

Director MAURITAS

Assistant Permanent Secretary

Representative of Finance Section

Representative of Procurement Section

Representative of Human Resource Section

Representative of Internal Control Cadre

An Ex-Officio member of Independent Commission Against Corruption

An officer at General Service Executive Level or above, as 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.

Role of Audit Committee

In line with Government decision to set up an Audit Committee within every Ministry/Department with a view to minimizing the number of audit queries, an Audit Committee has been set up at the Industrial Development Division since February 2013. The Audit Committee, as an independent structure, assists and advises the Accounting Officer in: -

- (a) the supervision of the entire audit and reporting process;
- (b) ensuring that proper and timely attention is paid to control issues; and
- (c) ensuring that Audit recommendations and other corrective actions are implemented.

10.0 Role of Integrity Officer

Integrity Officers have been designated and empowered to drive anti-corruption initiatives and enhance the effectiveness and sustainability of the anti-corruption framework in Ministries/Departments. They shall be an integral part of the Anti-Corruption Committee (ACC) set up at the level of public bodies and are expected to play a crucial role in reinforcing organisational integrity. The Industrial Development Division will provide the relevant support to the Integrity Officer who is tasked, amongst others with the following roles and responsibilities:

- a) Liaise and coordinate with the management on issues related to alleged or suspected employee misconduct;
- b) Organise regular meetings with head of the organisation to discuss or provide advice on integrity and ethics issues;
- c) Disseminate within the organisation, policies and regulations that are in line with the Code of Ethics for employees;
- d) Assist in the formulation of Integrity Awareness Programmes within the organisation; and
- e) Assist the heads of the organisation in the development of an overall Integrity Plan for the staff.

11.0 Risk Assessment

The Industrial Development 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.

12.0 Structures to Fight Corruption

The Industrial Development 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.

13.0 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.

14.0 Legislative and Administrative requirements/context

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

- ✓ Prevention of Corruption Act (PoCA) 2002
- ✓ Public Procurement Act 2006
- ✓ Finance and Audit Act
- ✓ Equal Opportunities Act
- ✓ Official Secrets Act
- ✓ Jewellery Act 2007 and its Regulations
- ✓ 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 Public Service, Administrative and Institutional Reforms, Ministry of Finance, Economic Planning and Development, Public Procurement Office, ICAC and other authorities
- ✓ PRB Reports

15.0 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 suspects 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.

16.0 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.

17.0 Training and Communications

The Industrial Development 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.

18.0 The Anti-Corruption Policy

All staff are required to adhere to the policy. It sets down the standards of behaviour, conduct and level of professionalism expected from one and all staff members of the Ministry in the delivery of services.

Organisational Culture and Personal Behaviour:

Members of staff should not: -

- a. indulge in any conduct whereby in return of a gratification he either does or neglect doing something contrary to his duties;
- b. offer to someone or promise or solicit a gratification from anyone;
- c. make abuse of his/her office for private gain;
- d. adopt any conduct whereby he/she accepts or obtain any gratification either for himself or herself from anyone;
- e. engage in nepotism and favouritism;

- f. take actions and decisions which are influenced by self-interest, personal gain and other improper motives;
- g. digress at any time to carry out their duties professionally and ethically; and
- h. be involved in situations of actual or potential conflict of interests; they should disclose in writing any situation of conflict of interests and not vote or take part in any proceedings in relation to that situation of conflict of interests.

It is to be noted that Mauritius actively supports the international fight against corruption (*Ratification of the UN Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and the SADC Protocol against Corruption*). Mauritius has the moral obligation to comply with the provisions of these Conventions/Protocol. In this context all staff members of this Ministry should honour the engagement the Government took by ratifying these international conventions.

Disciplinary measures

The Industrial Development Division is committed to ensuring that this policy is duly implemented in the organisation. Disciplinary measures in accordance with established procedures will be taken against any staff who is found guilty of a breach of the provisions contained in this policy.

19.0 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 Industrial Development Division.

19 May 2021