



CODE OF CONDUCT

Effective: July 2017

To be reviewed: July 2020

*To help the public service
spend wisely*

TABLE OF CONTENTS

Introduction.....	1
Employee concerns and whistleblowing.....	2
Respect and fair treatment	3
Harassment & office relationships	3
Relationships and communication	4
Contractors, suppliers and consultants.....	4
Gifts & hospitality.....	5
Corruption	7
Financial arrangements	7
Paid employment outside the Office of the Auditor General	7
Previous work experience	8
Post employment activities	8
Use of workplace resources	9
Appointments.....	9
Media handling.....	10
Health and safety at work	10
Appendix 1 - The Public Servant's Code Of Conduct	11
Appendix 2 - Seven Principles of Public Life (Nolan Committee on Standards in Public Life).....	12
Appendix 3 – CIG Sexual Harassment Policy	13
Appendix 4 – CIG personnel circular 4/2017	24

CODE OF CONDUCT

INTRODUCTION

1. Because of its role as Government's auditor and its high public profile, the Office of the Auditor General ("OAG" or "Office") must demonstrate high standards of corporate and personal conduct and lead by example. The purpose of this Code of Conduct is to encourage and ensure a professional work environment, and provide clear guidance to you about the standards of behaviour expected of you as a member of the OAG's staff. The Code may be amended from time to time to take account of changed circumstances or new situations.
2. All employees who are members of professional bodies are expected to abide by the codes of conducts or ethics of the bodies of which they are members, such as the IFAC Code of Ethics for Professional Accountants and ISSAI 30 (the International Standard of Supreme Audit Institutions Code of Ethics).
3. In addition, all employees are expected to behave in an ethical manner and fully comply with OAG's Ethics and Independence Policy.
4. This Code is intended to be a general statement of philosophy, principles and rules regarding corporate and personal conduct. It is a comprehensive statement of the values and principles, which should guide your daily work and it underpins the vision and the core values of the Office as set out in our Strategic Plan. The Code incorporates the principles contained in the Public Servants Code of Conduct (see Appendix 1) and the seven Principles of Public Life identified by the Nolan Committee on Standards in Public Life (Appendix 2):
5. The Code applies to all staff members at all levels. In the body of the Code, terms such as "employees" or "staff" should be taken to include, whenever applicable, all those who perform work for the Office. Therefore, everyone who works for the Auditor General - outside consultants, interns, temporary staff and public servants alike (whether part of the Office or on secondment to the Office) - is considered to be a member of the Auditor General's staff.
6. All employees, interns, temporary staff, and contract personnel, prior to commencing service with the Office, will receive a copy of the Code and will be required to read it and abide by its principles. You should keep a copy of the Code in your possession and keep yourself familiar with it. No part of this code may be waived or suspended.

7. You also need to be fully versed with the following documents: The *Public Management and Finance Law* and *Finance Regulations*; The *Public Service Management Law* and *Personnel Regulations*; and the *International Standards on Auditing and Related Services*. If there is a conflict between this Code and the Government's *Public Service and Management Law* and *Personnel Regulations*, the *Public Service and Management Law* and *Personnel Regulations* will take precedence.
8. All employees of the Office of the Auditor General are duty-bound to observe both the letter and spirit of the *Public Management and Finance Law*. The *Public Management and Finance Law* is the enabling legislation for the Office and all its activities. The Office is obligated to adhere to its terms. All Office activities must be allowed for under the terms and conditions of the Law; otherwise their validity might be questioned.
9. Your conduct should be beyond reproach at all times and in all circumstances. Any deficiency in your professional conduct or any improper conduct in your personal life places the integrity of auditors, the OAG, and the quality and validity of your audit work in an unfavourable light, and may raise doubts about the reliability and competence of the OAG itself. The adoption and application of this Code promotes trust and confidence in you and the OAG's work. Failure to abide by the provisions of the Code may lead to embarrassment of the Office and a serious breach of the Code may give rise to disciplinary action.

EMPLOYEE CONCERNS AND WHISTLEBLOWING

10. You are encouraged to raise any questions or concerns about workplace behavior. If in doubt, please ask. Many improper actions are taken, not because of poor character or dishonest intentions, but because someone did not have the proper information, did not understand the information they had, or acted prompted by a desire to "just get things done."
11. If you, in good faith, seek advice, raise a concern or report improper behavior, you are doing the right thing. The Office prohibits all personnel from taking any action against an employee who reports a concern.
12. The Auditor General is responsible for initiating and supervising the investigation of all reports of non-adherence of this Code and ensuring appropriate disciplinary action is taken when required.

RESPECT AND FAIR TREATMENT

13. You are entitled to expect fair and reasonable treatment from your colleagues and managers regardless of your race, religion, color, national origin, age, sex, sexual orientation, or disability. If you feel that you have been unfairly treated or have been discriminated against you are entitled to make use of the grievance procedure as outlined in the human resource policy and procedures manual.
14. As your employer, the OAG expects you to support and abide by its policies, practices and procedures both in your dealings with other staff of the OAG and outside the organisation. You should not do anything which might undermine or adversely affect any position or decision of the OAG.
15. You are expected to be:
 - courteous and display a helpful attitude to clients of the OAG;
 - courteous and respectful to each other;
 - considerate of others' work environment; and
 - respect the people and cultures with whom or in which you work.
16. All staff are required to behave in a manner consistent with the professional work environment desired for the OAG.

HARASSMENT & OFFICE RELATIONSHIPS

17. The OAG does not tolerate any form of harassment whether it is sexual, physical or mental harassment. This includes bullying of employees. You are expected to be open, honest, and courteous with other employees. Appendix 3 details the CIG's Sexual Harassment policy and OAG staff are expected to comply with this.
18. In keeping with the guidance given in Appendix 3, should staff members become involved in a work place relationship then the onus is on the individuals to take actions to remove any conflict that may arise. If the individuals concerned are in a manager / subordinate relationship then this will require taking the advice of a more senior manager in order to mitigate any conflicts from occurring. Managers are expected to handle such situations with sensitivity but staff members are also expected to be open to action being taken such as changing line management arrangements if considered necessary.

RELATIONSHIPS AND COMMUNICATION

19. You will have contact with audited bodies, other organisations or members of the public. You should always be courteous and seek to promote a positive and professional image of the OAG. You should deal fairly, equitably and consistently with those you come in contact with.
20. All public communications relating to the work of the Office (e.g., speeches, press releases, speaking at conferences, etc.) from the Office can only be undertaken by the Auditor General or with their specific authorization.
21. OAG staff must refrain from active political involvement (such as campaigning for individuals or parties, standing for election) as it is imperative that in serving the Legislative Assembly and the people of the Cayman Islands our staff are seen to be politically neutral and unbiased in their judgements.
22. In as much as the Legislative Assembly is the representative of the Cayman Island's public the Office's responsibility to that body reflects its responsibilities to the public at large. However, the primary reporting relationship is to the Legislative Assembly; not direct to the public. The Office communicates by way of statements and publications, most notably the Annual Report on Government accounts. It is through such communications that the public receives direct information regarding the Office's findings and conclusions.

CONTRACTORS, SUPPLIERS AND CONSULTANTS

23. You must be fair and impartial in your dealings with contractors, suppliers and consultants. If you are involved in procurement or tendering process to appoint contractors, suppliers or consultants you must abide with *any relevant laws* and follow any OAG's procurement guidance. Employees involved in contract negotiations have a duty to ensure that contracts entered into by the Office are the result of a well-established procedure and are above suspicion with regard to the validity of the criteria used in awarding them.
24. If you have access to confidential information on tenders or costs for contractors, suppliers or consultants you must not disclose that information to any unauthorised individual or organisation.
25. All private relationships with actual or potential contractors, suppliers or consultants must be declared in accordance with the OAG's policy on Conflicts of Interests.
26. Consultants and firms contractually engaged by the Office are obligated to provide a complete list, to the best of their knowledge, of current and recent contracts undertaken with the audit entity that

they are examining or on behalf of a client who has significant involvement with the audit entity. They have the additional responsibility of informing the officer in charge of any bid, within their knowledge, that they or their firms intend to make in relation to the entity they are auditing or working in on behalf of the Office.

27. The Office should avoid assigning a consultant to an audit entity where the consultant (individual or firm) is, has recently been, or might be contractually engaged. In such a situation, a consultant could end up auditing his or her own work or the work of his or her firm. Therefore, the Office requires a recent history of the consultant's business dealings with the audit entity covering the previous two years, and then assumes responsibility to scrutinize for a potential conflict of interest.
28. The OAG wishes to preserve and maintain the co-operative and mutually beneficial relationship between itself and management consulting and accounting firms. At the same time, the Office must be able to demonstrate conclusively that contracts entered into with firms have not been subject to the influence of a former Office employee currently with the firm in question or of a former employee of the firm. All such relationships must be declared and staff will not be involved in contractual procedures until at least two years have elapsed.

GIFTS & HOSPITALITY

29. Staff must comply with CIG personnel circular 4/2017 “offering or receiving hospitality, entertainment or gifts” (see Appendix 4). Whereas the Government policy requires declarations to be made only where the estimated value of the hospitality, entertainment or gifts is \$100 or higher, the OAG requires that all staff declare and record all incidences regardless of the estimated value and similarly the OAG expects staff to record all hospitality, entertainment and gifts given to or provided by other Government entities. The only exceptions are for situations covered by paragraph 32 below.
30. You should not accept or offer hospitality connected with your work unless you can answer “yes” to the following questions. “Can I justify this?” and “Can I be sure I will not be subject to legitimate criticism from colleagues or the public?”. If you are in any doubt you should consult the Auditor General.
31. In general, modest hospitality is acceptable providing that it is reasonable in the circumstances. It is OAG’s policy that the acceptance of hospitality should be declared and recorded. You should obtain approval from the Auditor General who will ensure it is recorded in the register. To assist staff in deciding what to declare, the following guidance may be useful.

32. The general principle is that if hospitality / entertainment is provided to you in connection with your role in the OAG then you may take but must declare the hospitality or entertainment. This would include for example:

- meals in external restaurants;
- attendance at functions organized / hosted by professional bodies e.g. institute annual dinners; and
- receptions or events held by public bodies, partner firms or other OAG suppliers/contractors.

33. As a general rule, you must not accept personal gifts although you may keep items of trivial value, e.g. gifts of a trivial value such as pens or mugs given at conferences or by suppliers. In exceptional circumstances it may be appropriate to accept a gift of more than token value, for example where refusal would embarrass the OAG or damage an important relationship. The acceptance of such a gift should be approved by the Auditor General and in the case of the Auditor General reported to the Governor. Such a gift will belong to the OAG and is not a personal gift to the recipient and should be recorded in the register of gifts/hospitality which is maintained by the Administrative and Finance Manager who will ensure the record is updated biannually by staff for such instances.

34. However, common sense needs to be applied, and the OAG does NOT require officers to request approval or declare certain items. There is no definitive list, and each individual officer needs to exercise appropriate judgment using the questions in paragraph 27, but examples of items that would NOT require approval and declaration are:

- working lunches at the offices of audited bodies, partner firms, working groups/committees, boards, professional institutes and other public bodies;
- meals and accommodation incidental to the attendance at conferences, seminars and workshops; and
- Gifts of a trivial nature given at a conference or by a supplier

In all cases, if you are in doubt, ask the Auditor General or Deputy Auditor General.

35. It is the responsibility of each individual officer to make appropriate judgments in respect of hospitality. If an officer is uncertain about an offer of hospitality, they should discuss this with the Auditor General before deciding to accept. If the Auditor General is uncertain about offers of hospitality made to them, she should take advice from the Deputy Auditor General and / or Governor before accepting.

CORRUPTION

36. It is important that you are aware that it is a serious criminal offence for you to:

- corruptly receive or give any gift, loans, fee, reward or advantage for doing or not doing something; and
- show favour or disfavour to any person in the course of your work with the OAG.

37. You should be aware of your responsibilities under the *Anti-Corruption Law* of the Cayman Islands. Corrupt actions can lead to dismissal and prosecution.

FINANCIAL ARRANGEMENTS

38. Staff must comply with the OAG's Register of Interests Policy. You should have no financial interest that could in any way conflict with your responsibilities, call into question your motives, purpose or concern with the matter in question, or cause the Office embarrassment or loss of credibility.

39. For example, a significant financial interest in a company or service on a board of a charitable organization that has major or important dealings directly or indirectly with an audit entity might be construed as a conflict of interest. In such a situation you are obligated to declare the conflict of interest. Your first duty is one of full and frank disclosure in situations where you suspect that a conflict of interest may exist. The Office is then obligated to determine whether a conflict of interest does exist and, if so, what appropriate remedies should be taken.

PAID EMPLOYMENT OUTSIDE THE OFFICE OF THE AUDITOR GENERAL

40. Your primary professional responsibility is to the Office. You, first and foremost, work for the OAG. This takes precedence over any other working relationships. The OAG will normally allow you to undertake paid employment (this includes self-employment and activities from which there is a monetary reward or honorarium such as consulting work, sale of goods, equipment rental, teaching or other part-time work) outside the OAG in your own time (subject to compliance with appropriate immigration requirements) unless there is a conflict of interest, or it is likely to have an adverse effect on the work of the OAG or on your own performance. A conflict of interest can arise where you seek to do work for an audited body or to undertake work outside the OAG which relates to the work of the OAG. Again, the OAG's Register of Interests Policy is relevant and must be complied with and it provides additional guidance.

41. Outside employment can adversely affect the work of the OAG if it damages the organisation's reputation. It can affect your own performance if it significantly reduces your capacity to carry out

your duties. If you undertake work outside the OAG you must first obtain the approval of the Auditor General. You are not allowed to use the equipment and resources of the OAG in any outside employment.

42. Outside employment relating to government activities or officials, either directly or on behalf of an external third party, presents a prima facie conflict of interest or is therefore not allowed.
43. If you receive a fee for a publication, broadcast, speech or lecture where you have used official information or your own work experience you must remit that fee to the OAG.
44. When outside work is authorized to be performed during office hours (e.g., work for a professional association), any fee or remuneration received should be remitted to the Office unless authorized by the Auditor General. You may retain tokens of appreciation such as book tokens or commemorative items. The acceptance of such tokens should be advised to the Auditor General who will ensure it is recorded in a register kept for that purpose.

PREVIOUS WORK EXPERIENCE

45. You have a duty to inform the Office of any situation where a previously held position might conceivably bring the propriety of the Office's work into question. Where you have previously worked for an audit entity, you should bring this to the attention of the Manager in charge of the audit.
46. Likewise, the Office will be concerned about possible conflict of interest where a former employee of a consulting or accounting firm assumes a position in the Office in which he or she has input to decisions regarding the awarding of consulting contracts by the Office. A former member of a firm should avoid involvement in the audit of an entity where he or she knows that his or her former firm has a contract or had a contract in the previous two years. Where the employee's ties with the firm are relatively recent (two years or less) he or she should bring it to the attention of the Manager in charge of the audit. The individual might then be assigned different responsibilities within the Office.

POST EMPLOYMENT ACTIVITIES

47. You should not allow yourself to be influenced in your official functions by "plans or offers of outside employment". This could easily be seen as impairing the auditor's judgement and objectivity. You are required to inform the Auditor General immediately in the following circumstances to avoid any potential conflicts of interest.

- Making of applications for employment to audit entities;
- Receiving interviews for employment at audit entities;
- direct approaches with offers of employment from audit entities or a related undertaking; and
- any job offers that might constitute, or appear to constitute, a conflict of interest.

USE OF WORKPLACE RESOURCES

48. You and your colleagues serve the public, and you must remember this principle when you use the OAG's equipment, materials and resources in order to ensure value for money and economy, efficiency and effectiveness. The equipment of the OAG is available to you for use in your personal affairs, provided that:
- any such use is in your own time;
 - the cost of any consumables is met by you;
 - you are not receiving any fee or reward for the purpose; and
 - personal (non-work related) information stored on the OAG equipment is minimal.
49. Workplace email is not to be used for other than minimal private email and is not to be used to send or forward chain letters, spam or junk mail.
50. The internet has been provided to facilitate the working of the Office. Its primary purpose should be Office related. You may use the internet for personal use but this should be done in a reasonable manner. Under no conditions are inappropriate websites to be accessed.
51. You must observe the OAG's Social Media Policy.

APPOINTMENTS

52. You must observe the OAG's policy that all appointments must be made on merit. If you are involved in the recruitment and selection process and have any kind of relationship which might affect your ability to be impartial, that relationship must be declared to Auditor General or the person chairing the selection process and they will decide whether you can participate in the process. The same procedure must be followed in other HR procedures such as grievance, discipline or performance reviews.
53. You must not lobby another colleague either directly or indirectly to secure your own appointment or promotion, or the appointment or promotion of another person. If an applicant, another colleague or any other person has lobbied you, you must report the matter to Auditor General.

MEDIA HANDLING

54. All dealings with the media will, as a matter of course, be handled by the Auditor General or a designated senior manager. Please refer to the Media Relations Policy for full detail.

HEALTH AND SAFETY AT WORK

55. We recognise that we have a duty to ensure that all reasonable precautions are taken to provide and maintain a safe and healthy working environment for our staff both in the OAG office and whilst out visiting clients or making other visits to undertake your audit work.
56. The OAG operates in a relatively low risk environment from a health and safety point of view. Nevertheless risks do exist and need to be minimised.
57. The OAG will organize periodic health and safety audits and workplace ergonomic assessments as a means of determining where can be made. These will involve discussions with some or all the OAG staff about the workplace environment and work practices. You are encouraged to present your views to the assessors in a free and frank, but professional, manner.
58. Managers within the OAG are expected to be cognizant of workplace health and safety issues and not expose their staff to unnecessary risks within their control. You should also ensure that your actions do not compromise the safety and welfare of yourself and others, including members of the general public who may be affected by what you do or fail to do at work.
59. You are encouraged to discuss any health and safety issues with your manager.
60. Periodically, the Office will also enable all staff that wish to undertake a standard first aid training course to participate in such training to ensure the Office has people available to deal with any health related situations that may arise in the Office.

APPENDIX 1 - THE PUBLIC SERVANT'S CODE OF CONDUCT

- (a) A public servant must behave honestly and conscientiously, and fulfill his duties with professionalism, integrity and care;
- (b) A public servant must be courteous and respectful to the Governor, the Speaker and Deputy Speaker, Official Members, Ministers, Members of the Legislative Assembly, other public servants and members of the public, and treat everyone with impartiality and without harassment of any kind;
- (c) A public servant must be politically neutral in his work and serve the government of the day in a way that ensures that he maintains the confidence of the government, while also ensuring that he is able to establish the same professional and impartial relationship with future governments;
- (d) A public servant, as a member of the public, has the right to be politically informed but must ensure that his participation in political matters or public debate or discussions, does not conflict with his obligation as a public servant to be politically neutral;
- (e) A public servant must not at any time engage in any activity that brings his ministry, portfolio, statutory authority, government company, the public service or the government into disrepute;
- (f) A public servant must obey the law and comply with all lawful and reasonable directions, including work place rules established by his chief officer or a person with delegated authority from the chief officer;
- (g) A public servant must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) with his duties as a public servant, and must not use his official position for personal or familial gain;
- (h) A public servant must treat all official information and any dealings with the Governor, an Official Member or Minister as confidential, and, unless authorized to do so, must not give or disclose, directly or indirectly, any information about official business or anything of which he has official knowledge;
- (i) A public servant must not use official resources, including electronic or technological resources, offensively or for other than very limited private purposes.

APPENDIX 2 - SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.



Subject: WORKPLACE SEXUAL HARASSMENT POLICY (W.S.H.P.)

1.0 INTRODUCTION

This policy provides the official guidelines on identifying and addressing instances of sexual harassment in the civil service workplace. The Public Service Values and Code of Conduct to which the public service shall aspire and which shall govern its management and operation include (among others):

- Adherence to the highest ethical, moral and professional standards at all times;
- Commitment to being an employer that cares, is non-discriminatory, makes employment decisions on the basis of merit and recognises the aims and aspirations of its employees, regardless of gender or physical disabilities; and
- Provision of a safe and healthy working environment.

As an employer, the Cayman Islands Government (CIG) is committed to providing a place of work that is free of sexual harassment. The CIG will investigate allegations and act to stop the harassment, to prevent its recurrence, and to discipline those responsible.

1.1 PURPOSE

The purpose of the policy is to:

- Allow the Cayman Islands Government as an employer to meet its obligations under the Gender Equality Law
- To educate managers and staff about sexual harassment and the internal procedures for identifying, reporting, investigating and addressing workplace sexual harassment;
- Establish a 'zero tolerance' policy for workplace sexual harassment;

2.0 RELEVANT LAWS AND REGULATIONS

The introduction of guidance on sexual harassment is driven by the Cayman Islands Constitution Order (2009) – Bill of Rights, Freedom, and Responsibilities; the Public Service Management Law (2013 Revision); Personnel Regulations (2013 Revision); and the Gender Equality Law, 2011.

3.0 DEFINITIONS

The following definitions are outlined for the purpose of clarity throughout the subsequent policy.

'Appointing Officer' is a person with authority to make personnel decisions as defined in

the section 2(1) of the Public Service Management Law:

“appointing officer” means –

- a) In the case of Judges and Magistrates, Official Members, the Auditor-General, the Complaints Commissioner, the Commissioner of Police, the Deputy Commissioner of Police, the Information Commissioner, the Director of Public Prosecution, the Cabinet Secretary and the Assistant Commissioner of Police, **the Governor**;
- b) In the case of the chief officers of ministries and portfolios, **the Head of the Civil Service**;
- c) In the case of staff of a civil service entity, **the chief officer or the head of department or other manager in the civil service entity with delegated authority from the chief officer to make personnel decisions.**

‘Complainant’ is a person who is pursuing, in accordance with this policy procedure, a complaint of sexual harassment.

‘Exploited consent’ exists when consent to a romantic and/or sexual relationship is given as a function of the position of power one occupies over another within an organization.

‘Grievance handler’ is an HR representative, Appointing Officer or an individual with officially designated authority and responsibility for receiving formal grievances of sexual harassment in the workplace.

‘Gender Equality Tribunal’ is a group, comprised of five members, established under The Gender Equality Law (2011) for the purpose of hearing complaints under the said Law.

‘Hostile environment’ is created when a complainant is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendos, touching, or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work.

‘Quid pro quo’ (*‘this for that’*) is a form of sexual harassment when a manager/supervisor or a person of authority gives or withholds a work-related benefit in exchange for sexual favours. Typically, the harasser requires sexual favours from the complainant, either rewarding or punishing him/her in some way.

‘Respondent’ is an employer or employee who has allegedly sexually harassed another employee in breach of the W.S.H.P.

‘Staff Representative’ is a third party who may assist/accompany a complainant/respondent to provide moral support provided such person is not acting in the capacity of an attorney. A staff representative does not take formal action and is required to maintain strict confidentiality.

4.0 WHAT IS SEXUAL HARASSMENT?

See the Gender Equality Law (2011), Section 7

‘Sexual harassment’ is *“unwanted conduct of a sexual nature against an employee by an employer or another employee -*

- (a) in the workplace; or*
- (b) in connection with the performance of, or recruitment for work,*

which is threatened or imposed as a condition of employment on the employee or which creates a hostile working environment for the employee, being conduct which has the purpose or effect of violating the dignity of the employee or intimidating, degrading, humiliating, or offending the employee.”*

In determining such an effect, section 7(3) of the Gender Equality Law (2011) states that the following must be taken into account:*

- (a) the perception of the person against whom the sexual harassment is alleged to have been committed;*
- (b) the other circumstances of the case; and*
- (c) whether it is reasonable for the conduct to have that effect.*

Sexual harassment in the workplace is illegal and prohibited. Such behaviour may manifest itself in the form of verbal, non-verbal or physical harassment.

Examples of sexual harassment may include, but are not limited to, the following:

VERBAL SEXUAL HARASSMENT

- Propositions and/or subtle pressure of a sexual nature that are unwelcome;
- Suggestive comments;
- Sexually degrading words to describe an individual;
- Sexually explicit comments, jokes or anecdotes, regardless of the means of communication (oral, written, electronic, etc.);
- Unwelcome inquiries and/or commentaries about sexual conduct, activity, experience, history, fantasies, preferences or orientation;
- Unwelcome, graphic verbal comments about an individual's body;
- Paying unwanted attention to someone;
- Turning work discussions to sexual topics;
- Discussing or spreading rumours about an individual's sex life.

NON-VERBAL SEXUAL HARASSMENT

- The display of inappropriate sexually oriented materials;
- Sexually explicit and/or suggestive gestures with hands or through body movements;
- Unwelcome, offensive sexual flirtation;
- Making facial expressions such as winking, throwing kisses, licking;
- Giving personal gifts of a sexual nature;
- Paying unwanted attention to someone (i.e. – staring, following, blocking a person's path);
- The display, in the workplace, of sexually suggestive, sexually demeaning or pornographic objects, pictures, posters, or cartoons.

The Cayman Islands Government reserves the right to take immediate action in response to complaints where posted material (including material that is transmitted electronically) is threatening and/or creates a hostile environment for individuals.

PHYSICAL SEXUAL HARASSMENT

- Unwanted kissing, touching, patting, hugging, or brushing against a person's body;
- Hanging around or standing close to a person which is not welcomed;
- Touching a person's clothing, hair, or body;
- Touching or rubbing oneself sexually around another person.

QUID PRO QUO SEXUAL HARASSMENT

- A manager advises an employee that permission will be granted to go on a training course in exchange for a sexual favour;
- As a result of an employee rejecting the manager's sexual advances, the manager/supervisor *punishes* the employee by not giving him/her challenging work assignments;
- A manager requires sexual favours in exchange for recruitment and/or promotion.

5.0 WHAT IS NOT CONSIDERED SEXUAL HARASSMENT?**5.1 ADMINISTRATIVE OPERATIONS**

In order to get work done, supervisors may have to make unpopular decisions, such as changing work assignments or moving people. Legitimate management intervention, including performance reviews, counselling, and discipline, may or may not please others but they do not in themselves constitute sexual harassment. However, where it is established that such decisions were taken to sexually harass or victimize someone under this policy, such actions will constitute offending behaviour.

5.2 AMBIGUOUS BEHAVIOUR

There are some behaviours, especially verbal or written communication, which may be viewed as offensive, inappropriate, or crude by some, but do not constitute sexual harassment. Examples include occasional jokes or comments on appearance and discussions of controversial topics. However, they do not necessarily constitute sexual harassment and/or extend to conduct that creates a hostile work environment.

There is a wide range of ambiguous behaviour that might offend or alarm some people but not necessarily others. Examples might include, but are not limited to:

- Polite requests for a date from a peer;
- Comments on clothing or compliments about appearance;
- Non-destructive practical jokes that most people find reasonable.

5.3 CONSENTING RELATIONSHIPS

Consenting romantic/sexual relationships do not necessarily result in sexual harassment. However, such relationships may be more vulnerable to potential sexual harassment (*i.e.* – *quid pro quo*, 'something for something') claims.

6.0 RISK-SENSITIVE RELATIONSHIPS

Any sexual or romantic relationship between individuals may present unique professional challenges, in particular when one person's role may be considered senior to the other's role. These relationships may result in queries about whether there is mutual consent and/or unfair treatment of other employees.

The greater the organizational power differential that exists the greater risk there is for exploitation. It is also important to note that some individuals may be especially vulnerable to exploitive relationships given cultural, language, and immigration/permit/visa issues.

Romantic and/or sexual relationships between individuals in a supervisory, evaluation, advising, coaching, or counselling relationship may constitute a conflict of interest. The person in the position of higher authority has the responsibility to eliminate any conflict(s) of interest. A conflict of interest must be eliminated in a way which minimizes potential for harming the person with lower authority.

In some cases, consensual or allegedly consensual relations may 'go bad'. As such, they may later result in allegations of sexual harassment. If two parties mutually consent to a romantic or sexual involvement, this initial/past consent does not:

- a) remove grounds; or
- b) prevent a charge/later finding of sexual harassment.

There may be cases where past conduct occurred in a situation of exploited consent or resulted in later unwelcome conduct.

7.0 ROLES & RESPONSIBILITIES

Employees may seek to resolve concerns internally either through an informal resolution or formal grievance when they are faced with an incident of sexual harassment. An informal complaint may be directly addressed to the respondent. A formal grievance may be filed with a grievance handler in the respondent's agency, ministry or portfolio. **In no circumstances is a complainant required to address a grievance directly with the respondent.**

7.1 EMPLOYERS' AND MANAGERS' RESPONSIBILITIES

When a grievance handler receives a grievance or otherwise becomes aware of alleged sexual harassment in the workplace from a complainant, respondent or third party, s/he has an obligation to take reasonable steps to investigate and prevent the offensive behaviour.

Chief Officers, Appointing Officers, Managers, Supervisors and Human Resource professionals are required to:

- Express strong disapproval of all forms of workplace sexual harassment; and
- Stop any acts that they see or become aware of that may be considered workplace sexual harassment, and take appropriate steps to intervene¹.

After a formal grievance about sexual harassment is made, a grievance handler is required to:

- Take immediate action to prevent victimization of the complainant or any participant in an investigation;
- Take action to eliminate any hostile (*or potentially hostile*) work environment where there has been a complaint of workplace sexual harassment;
- Protect the confidentiality of all parties to the extent possible under the law; *and*
- Fulfil his/her duty to afford procedural fairness.

¹ This includes, but is not limited to, putting relevant staff on required leave, suspension, transfer, and/or reassignment of duties. *See to Personnel Regulations (2013 Revision) – Sections 33, 38-40 and Schedule 1, Section 8 (2).*

7.1.1 LISTEN TO EMPLOYEES

If something doesn't seem right, a manager/supervisor is encouraged to talk to the employee(s) in question. Managers/supervisors are required to keep any discussions confidential, except as necessary to effectively address an issue.

7.1.2 EMPLOYEES IN DIFFERENT AGENCIES/MINISTRIES/PORTFOLIOS

There are situations that may arise between employees from different agencies, Ministries, or Portfolios who find themselves in a situation which they may deem to be offensive. In such a case, the respondent's grievance handler² has a responsibility to investigate the complainant's allegation³.

7.1.3 FAILURE TO RESPOND/ALLOWING SEXUAL HARASSMENT TO CONTINUE

Grievance handlers who allow workplace sexual harassment to continue by failing to take appropriate corrective action (*as outlined in this policy*) upon becoming aware of the sexual harassment may be subject to disciplinary action.

7.2 EMPLOYEES' RIGHTS AND RESPONSIBILITIES

Every employee has a right to be treated fairly and respectfully in the workplace. The Bill of Rights, Freedoms and Responsibilities contained within the Cayman Islands Constitution Order (2009) affords freedom of expression and freedom from interference with his or her correspondence or other means of communication.

In exercising such a right, all staff have a responsibility to show mutual respect and consideration for the rights, freedoms and reputation of others and for that purpose, their right to freedom of expression may be limited in accordance with section 11 of the Bill of Rights. Humiliation, degradation, and like behaviour could be in breach of this policy and/or in violation of the PSML or other laws of the Cayman Islands.

Employees seeking to file a formal complaint have a responsibility to report incidents of alleged workplace sexual harassment in writing **within forty-five calendar days** of the alleged incident. All individuals are required to be truthful, forthcoming, and cooperative in connection with a complaint investigation. All staff have a responsibility to cooperate⁴ in the investigation of a sexual harassment complaint. Anyone who gives evidence in an investigation, or who is otherwise involved in the process, must keep this information confidential, except as is necessary to deal effectively with the complaint/grievance. Failure to cooperate and provide information regarding an investigation, as required in the WSHP, is a breach of the Public Service Code of Conduct and may result in disciplinary action.

7.2.1 COMPLAINANTS/ RESPONDENTS

If you are the complainant, the individual **alleging** sexual harassment, you have the right:

- To make a complaint and have it dealt with promptly, without fear of embarrassment or reprisal;
- To have a staff representative of your choice accompany you during the process;
- To make sure that no record of the complaint is placed on your personnel file, as long as it was made in good faith;

² The primary investigation will be conducted by the respondent's department/Ministry/Portfolio.

³ The respondent's grievance handler will collaborate with the complainant's grievance handler to gather relevant information, as required.

⁴ Public Service Management Law, Section 5(2) – The Public Servant's Code of Conduct

- To be informed about the progress of your complaint;
- To be informed of the outcome of the investigation;
- To receive fair treatment.

If you are the respondent, the individual **accused** of alleged sexual harassment, you have the right:

- To be informed of the complaint;
- To be given a written statement of the official allegations, and to respond to them;
- To have a staff representative of your choice accompany you during the process;
- To be informed about the progress of the complaint;
- To be informed of the outcome of the investigation;
- To make sure that no record of the complaint is placed on your personnel file if the complaint is unfounded and/or does not result in misconduct;
- To receive fair treatment.

7.3 CONFIDENTIALITY

All information received in connection with the filing, investigation, and resolution of complaints will be treated as confidential except to the extent that it is necessary to disclose particulars in the course of the investigation or when required to do so under the law or an order or legitimate request from a competent authority. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of all involved in the process.

Only those who need to know information in order to accomplish the purposes of the investigation shall be provided with the identity of the parties involved in the complaint. All parties, including the complainant, the respondent, and any witnesses, contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as misconduct subject to disciplinary action.

7.4 VICTIMIZATION

See The Gender Equality Law (2011), Section 22

The Cayman Islands Government will not tolerate any form of victimization directed against an employee or any person who makes or may make a complaint or otherwise participates in an investigation concerning sexual harassment, including giving evidence.

Victimization is considered to be a breach of the WSHP and the Gender Equality Law. An employee who retaliates in any way against another individual who has made or may make a complaint about sexual harassment, or given evidence in a sexual harassment investigation, may be considered guilty of misconduct and in contravention to the Gender Equality Law and may be subject to disciplinary action and a fine.

7.5 WHO MAINTAINS RECORDS OF COMPLAINTS?

Complete files of each complaint are archived in the relevant Chief HR Officer's or his/her equivalent, office within each Ministry or Portfolio, as required. This includes a record of each formal grievance against an employee, including the relevant names, the nature of the case, the relevant department, the date of the complaint, progress reports and the outcome.

Files will be managed in accordance with the National Archives and Public Records Law, 2007 and will only be destroyed in accordance with the relevant disposal schedule.

8.0 SEXUAL HARASSMENT COMPLAINT & GRIEVANCE PROCEDURES

This section will outline the procedures for informal complaints and formal grievances; the possible remedies and penalties; and the appeals process.

8.1 INFORMAL RESOLUTION (OPTIONAL STEP⁵)

If an individual alleges that s/he is being sexually harassed, s/he is encouraged to tell the respondent, either verbally or in writing, to stop. The complainant may let him/her/them know that s/he is embarrassed, humiliated, demeaned, or otherwise bothered by the unwanted conduct of a sexual nature. Often, a person may not be aware that his/her behaviour is bothersome, and will change the behaviour once s/he realizes that it is offensive.

An alternative to a face-to-face exchange is a written letter to the respondent or a complainant.

Complainants/respondents are encouraged to make an informal note of any bothersome behaviour, the date that it alleged happened, the details of what happened, how s/he felt, what s/he did about it, and who else was present, if there were witnesses. Complainants/respondents are encouraged to save all correspondence (i.e. – emails, text messages, voice messages, etc.) with the respondent/complainant. Ideally, the sexual harassment will stop but if it continues, a complainant should continue to document it. All documentation will support allegations if there is an investigation.

There are situations where direct communication with the respondent/complainant may not be possible⁶. If one is uncomfortable approaching the respondent/complainant or if the behaviour does not stop, s/he may seek the assistance of her/his supervisor or HR representative (mediation/ facilitated discussion); and the complainant has the option to file a formal grievance.

8.2 FORMAL GRIEVANCE PROCEDURE

See the Personnel Regulations (2013 Revision), Section 51.

Complainants may opt to file a formal grievance if informal resolution is ineffective and/or inappropriate.

8.2.1 FILING A FORMAL GRIEVANCE

A formal grievance must normally⁷ be filed by the complainant **within forty-five calendar days** of the alleged act(s) which form the basis of the complaint to be eligible for

⁵ A complainant who is uncomfortable directly approaching the respondent may opt to forgo any informal resolution and proceed to the 'Formal Grievance Procedure'.

⁶ Examples of situations where it 'may not be possible' include: the respondent/complainant may be the supervisor/employee and one may feel intimidated approaching the other with such a complaint; alternatively, it may be a highly volatile and/or contentious situation in which one party feels threatened by the other.

⁷ There are exceptional cases in which a grievance may be filed internally beyond the forty-five day period but not more than three months after the alleged act(s).

consideration. Grievances outside⁸ the forty-five day period will not be eligible for an internal grievance process but can be referred to the Gender Equality Tribunal (see paragraph 9.3)

Prior to the commencement of a formal grievance procedure, a grievance handler will be assigned to conduct an investigation. The complainant and respondent will have **three business days** to express any objection(s)⁹ they may have regarding the suitability of the chosen grievance handler.

To commence a formal grievance procedure, the grievance handler will need to receive a written grievance signed by the complainant and including:

- The complainant's name and position;
- The respondent's name and position;
- Dates, times, locations, and frequency of the incident(s);
- The names of any witnesses to the incident(s); *and*
- Any evidence related to the incident(s), whether in documentary or other form.

8.2.2 RESPONDENT'S OPPORTUNITY TO REPLY

The grievance handler will provide the respondent with a copy of the formal grievance and any evidence that was received from the complainant. Upon acknowledging receipt of the allegations, the respondent will have the opportunity to reply in writing and submit any supporting evidence within **five business days**.

8.2.3 THE INVESTIGATION

Upon receipt of the respondent's written reply *or* after five business days, an official opening letter will be directed to the respondent's Chief Officer and carbon copied to the Head of the Civil Service and Chief Officer - Portfolio of the Civil Service. The grievance will be formally investigated by the grievance handler. S/he will collect relevant evidence and investigate the complaint thoroughly by interviewing the complainant, the respondent, and any witnesses. All employees have a responsibility to cooperate in the investigation.

The grievance handler will ensure that the complainant and respondent understand this policy and any options that are available. A grievance handler is obligated to take steps to see that allegations of sexual harassment are properly investigated and that any proven acts of sexual harassment are immediately ceased and appropriately punished. In rare circumstances, a grievance handler may need to act upon a complaint without the complainant's permission.

8.2.4 PROGRESS REPORTS

The grievance handler will provide his/her Chief Officer with progress reports on the investigation. If the grievance handler is the Chief Officer or the Head of the Civil Service, s/he will provide the Head of the Civil Service or the Governor, respectively, with progress reports. Progress reports will be communicated every **ten business days**.

8.2.5 TIMEFRAME FOR FORMAL GRIEVANCE PROCEDURE

⁸ The most recent alleged act must fall within forty-five calendar days; but if the acts are alleged to have taken place on an on-going basis (and beyond the forty-five days), the investigation may include such related actions.

⁹ The purpose of doing so is to preclude any suggestions of bias (actual or perceived); and to remove any possible conflict of interest which could otherwise compromise the integrity of an investigation.

Once a formal grievance is filed, the grievance handler will endeavour to complete the investigation within **30 calendar days** from the initial filing to conclude the investigation. In exceptional circumstances, including but not limited to situations which require extensive investigation and/or the gathering of further evidence, a maximum of **two 30-day extensions** may be granted. At any point during an investigation, the complainant may file ¹⁰his/her complaint with the Gender Equality Tribunal¹¹.

8.2.6 DECISION

The grievance handler will determine whether, on a balance of probabilities, there is enough evidence to conclude that sexual harassment occurred and identify options for resolving the situation, where applicable. If sexual harassment has occurred, the grievance handler will decide in consultation with his/her appointing officer, one or more course(s) of action.

The decision of an investigation may be categorised as:

- a) **Findings of sexual harassment ranging in severity from minor to gross misconduct.** *Please see the Personnel Regulations (2013 Revision), Sections 38-40, 42;*
- b) **The complaint is unsubstantiated.** Findings reveal that there is insufficient evidence to prove whether or not sexual harassment occurred;
- c) **The complaint is unfounded.** The alleged conduct occurred (and was offensive to the complainant) but did not constitute sexual harassment under this policy; *or*
- d) **The complaint was made**
- e) **in bad faith and/or was a false allegation.** *(see paragraph 8.3)*

The complainant and the respondent shall be advised of the findings of the grievance investigation. The grievance handler will inform the complainant and the respondent, respectively, of any disciplinary action, remedies, and changes in the work environment within five business days after the grievance handler has completed the investigation and made a decision. Corrective action and remedies will be instituted within five business days of those involved being informed of the decision.

8.3 FALSE ALLEGATIONS/ COMPLAINTS MADE IN BAD FAITH

See Public Service Management Law (2013 Revision), Section 5(2)(a),(e) and (f)

Complaints made in bad faith are those where the complainant knows that the allegations are false and unfounded. It is a breach of this policy for anyone to knowingly or with reckless disregard for the truth make false, frivolous, and/or vexatious allegations of sexual harassment. As a result, disciplinary action may be imposed on individuals who do so.

An unfounded or unsubstantiated complaint is not equivalent to a false allegation or a complaint made in bad faith.

8.4 SUPPORT AND REMEDIES FOR THE COMPLAINANT

A complainant has resources available to him/her for support, as required. Professionals (i.e. an Employment Assistance Programme (E.A.P.) counsellor) are available through the

¹⁰ Should the complainant file her/his case with the G.E.T., s/he is required to formally notify the grievance handler about the filing with G.E.T.

¹¹ The internal CIG procedure may yield to the jurisdiction of the G.E.T. or the CIG may elect to complete its investigation. Please note that a multiplicity of parallel proceedings is not intended via this policy.

Cayman Islands Government benefits programme.

As the employer, the Cayman Islands Government will make every reasonable effort to remedy the effects of sexual harassment. A person who has been sexually harassed may receive either or both of the following remedies:

- An oral or written apology from the respondent;
- Remediation for any proven victimization (i.e. – inappropriate transfers; loss of promotion; unfounded performance reviews).

No record of the complaint, investigation or decision will go in the complainant's personnel file, if the complaint was made in good faith.

8.5 CORRECTIVE ACTION FOR THE RESPONDENT

See the Personnel Regulations (2013 Revision), Sections 33, 38, 39, 42.

Upon conclusion of an internal investigation, a respondent who is found to be responsible for sexually harassing another person will be subject to one or more of the following forms of discipline, depending on the severity of the sexual harassment and as it may be appropriate:

- A written reprimand;
- A suspension;
- A transfer, if it is not reasonable for the employees involved to continue working together;
- Dismissal.

In most cases, the respondent may also be required to:

- a) Provide the complainant with a written apology, where this is appropriate;
- b) Attend counselling through E.A.P. or another approved counselling programme.

If the complaint is unfounded or unsubstantiated, there will be no documentation concerning the complaint placed in the respondent's personnel file. If the investigation reveals that sexual harassment occurred, a summary of the incident and the corrective action that is imposed on the respondent will be recorded in his/her file.

8.5.1 SUPPORT AND REMEDIES FOR THE FALSELY ACCUSED RESPONDENT

A respondent who is proven to be falsely accused or accused in bad faith may receive, as a remedy, an oral and/or written apology from the complainant.

A falsely accused respondent has resources available to him/her for support, as required. Professionals (i.e. an Employment Assistance Programme (E.A.P.) counsellor) are available through the Cayman Islands Government benefits programme.

9.0 APPEAL AND ALTERNATIVE COURSES OF ACTION

See The Gender Equality Law (2011), Section 33 and the Public Service Management Law (2013 Revision), Section 54

Disciplinary action(s) and HR decisions resulting from a sexual harassment investigation may be appealed¹² internally. Complainants and respondents also have the right to pursue an alternative course of action.

9.1 APPEALS¹³

If a complainant or respondent is not satisfied with the decision or outcome of the formal grievance procedure, s/he may refer to the Personnel Regulations section 51(1). If the decision of the complainant/respondent's supervisor does not satisfactorily resolve the grievance, the staff member concerned may then appeal to his/her appointing officer (*where the appointing officer is not also the staff member's immediate supervisor*). Finally, if the staff member concerned is still unsatisfied with the resolution, s/he may then appeal to his/her Chief Officer.

If the immediate supervisor, appointing officer, or Chief Officer was the subject of the complaint or involved in the formal grievance procedure, the appeal may be filed with the appointing officer, Chief Officer, or Head of the Civil Service/Deputy Governor (*or his delegate*) respectively.

9.2 CIVIL SERVICE APPEALS COMMISSION (CSAC)

A respondent who is subject to disciplinary action due to misconduct under this policy may appeal that personnel decision to the CSAC **within thirty calendar days** of receiving it.

Additionally, under the PSML, a complainant may appeal any personnel decision (i.e. transfer, appointment, disciplinary action) that s/he believes constitutes sexual harassment or victimization. This appeal may be pursued separately from a formal grievance or other resolution under this policy.

For more information on the CSAC, please visit www.csac.gov.ky.

9.3 GENDER EQUALITY TRIBUNAL (GET)

A complainant may file a sexual harassment complaint with the GET after or instead of pursuing a formal grievance under this policy. Under the Gender Equality Law, complaints should be made within six months of the alleged act(s), but the GET may accept submissions after that time if the reason(s) for the delay is/are reasonable and acceptable. For more information on the GET, please visit www.genderequality.gov.ky

10.0 FURTHER INFORMATION

For further information on this policy, please contact the Portfolio of the Civil Service.

Gloria McField-Nixon
Chief Officer, Portfolio of the Civil Service
Cayman Islands Government

¹² Any appeal and/or alternative course of action for a grievance raising sexual harassment issues where an investigation is pending, should be deferred until conclusion of the investigation. Once a finding is made, then the appeal/alternative course of action can be filed, if necessary. **Concurrent investigations are not encouraged.**

¹³ The person handling the appeal may do so in a manner they deem appropriate in the circumstances. This includes but is not limited to reviewing the case to ensure soundness and compliance (with the WSHP) without the obligation to relaunch a full investigation.

APPENDIX 4 - CIG PERSONNEL CIRCULAR 4/2017



Cayman Islands Government Policy On Offering and Receiving Hospitality, Entertainment or Gifts



Policy Name	Offering Or Receiving Hospitality, Entertainment Or Gifts		
Policy Number		Version Number	1.0
Effective Date	1 April 2017	Expiry Date	None
Last Review Date	N/A – new policy	Next Review Date	1 year from effective date
Authorising Post	Chief Officer – PoCS	Policy Folder	Human Resources
Sub-folder:	Portfolio of the Civil Service		
Relevant Laws:	Public Management and Finance Law (2013 Revision) Financial Regulations (2013 Revision) Public Service Management Law (2013 Revision) Personnel Regulations (2013 Revision) The Anti-Corruption Law (2008)		
Related Policies:	Travel Policy (1 July 2013)		
Key Topics	This document covers the following key topics: <ul style="list-style-type: none">• Provides the CIG Policy Statement for receiving or providing hospitality, entertainment or gifts.• Provides guidelines for Civil Servants on when it is appropriate and not appropriate to provide or receive hospitality, entertainment or gifts.• Defines the approval levels required for the provision of hospitality, entertainment or gifts at public expense.• How to report abuse of the Policy.• Identifies consequence for a breach of the Policy.		



Cayman Islands Government
Policy On Offering and Receiving Hospitality, Entertainment or Gifts

1. PURPOSE	3
2. POLICY STATEMENT – OFFERING OR RECEIVING HOSPITALITY.....	3
3. RELEVANT LAWS AND REGULATIONS	4
4. GUIDANCE	4
4.1 APPLICATION	5
4.2 EXCLUSIONS	5
4.3 EXEMPTIONS	5
4.4 RECORDING OF HOSPITALITY, ENTERTAINMENT OR GIFTS	5
5. RECEIVING HOSPITALITY, GIFTS OR ENTERTAINMENT	6
5.1 PROPORTIONALITY IN ACCEPTING HOSPITALITY	6
5.2 ACCEPTING GIFTS	7
5.3 CONFLICTS OF INTEREST.....	8
6. AUTHORISATION AND APPROVAL FOR PUBLICLY FUNDED HOSPITALITY	9
7. PROVISION OF HOSPITALITY, ENTERTAINMENT OR GIFTS AT PUBLIC EXPENSE.....	10
7.1 PROVISION OF HOSPITALITY AT PUBLIC EXPENSE.....	10
7.2 PROVISION OF GIFTS AT PUBLIC EXPENSE	11
7.3 PROVISION OF ENTERTAINMENT AT PUBLIC EXPENSE.....	11
8. RESTRICTIONS ON RECEIVING HOSPITALITY AT PUBLIC EXPENSE.....	11
9. REPORTING INAPPROPRIATE BEHAVIOUR OR SUSPECTED FRAUD	11
10. INFORMATION MANAGEMENT.....	12
11. EXCEPTIONS TO THIS POLICY	12
12. DISHONESTY	12
13. FURTHER INFORMATION	12
ANNEX A - HOSPITALITY REGISTERS	13
HOSPITALITY OFFERED OR RECEIVED REGISTER – PUBLICATION TEMPLATE	13
HOSPITALITY OFFERED AT PUBLIC EXPENSE REGISTER – PUBLICATION TEMPLATE.....	14
ANNEX B –APPROVAL FOR THE PROVISION OF HOSPITALITY, ENTERTAINMENT OR GIFTS AT PUBLIC EXPENSE	15
ADDITIONAL DEFINITIONS	16



Cayman Islands Government
Policy On Offering and Receiving Hospitality, Entertainment or Gifts

1. Purpose

This policy establishes guidelines for providing and/or receiving hospitality, entertainment or gifts. The policy is applicable to Civil Servants.

2. Policy Statement – Offering or Receiving Hospitality

The Cayman Islands Government recognizes that for the effective conduct of government business it is necessary at times, to undertake activities that are related to hospitality. Hospitality relates to the provision of meals, beverages, gifts or entertainment to visitors or guests. There will therefore be times when Civil Servants will be the provider of hospitality. Civil Servants, particularly those who frequently interact with members of the public or with private sector entities, may also be the recipients of gifts during the execution of their duties, as a part of the conduct of government business.

This Policy is therefore intended to safeguard impartiality, integrity and accountability in determining whether hospitality, entertainment or gifts should be offered or received by giving certainty to employees through:

- Providing guidance on the extent, scale, cost and nature of the hospitality, entertainment and gifts that can be offered and accepted; and
- having a transparent process for declaring, recording and reporting hospitality, entertainment and gifts offered and received;

Such hospitality, entertainment or gifts may be offered or received when they are undertaken:

- for the purpose of establishing or maintaining good business relationships;
- to encourage stakeholder engagement;
- to improve the image and reputation of Government; or
- to improve Government efficiency or effectiveness .

Such hospitality, entertainment or gifts may also be appropriate providing that they are:

- arranged in good faith;
- not offered, promised or accepted to secure an advantage for any individual person or individual entity to influence the impartiality of the recipient; and
- reasonable, appropriate and proportionate.

Providing or receiving hospitality, entertainment or gifts must be balanced against the requirement for Civil Servants to uphold high standards of propriety; guarding against



Cayman Islands Government Policy On Offering and Receiving Hospitality, Entertainment or Gifts

any reasonable suspicion of perceived or actual conflicts of interest, creation of undue obligations or inappropriate benefits for Civil Servants, guests or visitors.

Any hospitality or entertainment offered or accepted must be appropriate, provide value for money against Government objectives and be appropriately considered, authorised and recorded.

Inappropriate provision or receipt of hospitality has the potential to bring the Government and Civil Service into disrepute and in certain circumstances (e.g. bribery or misuse of public funds) could lead to a disciplinary or criminal investigation.

3. Relevant Laws and Regulations

The Public Service Management Law, Personnel Regulations, the Public Management and Finance Law, The Anti-Corruption Law, and the Financial Regulations and the National Archive and Public Records Law (as amended from time to time).

4. Guidance

This guidance provides the Civil Service with a minimum standard for the proper management of hospitality, entertainment and gifts, provided or received in the furtherance of Government objectives.

For the purposes of this Policy **Hospitality** means the provision of meals, beverages, gifts or entertainment to visitors or guests of the Cayman Islands Government, and which are necessary for the furtherance of a Government business objective.

For the purposes of this Policy **Entertainment** means any social/recreational event or activity arranged for visitors or guests of the Cayman Islands Government in the furtherance of a Government business objective. Entertainment includes the provision of tickets to external events (e.g. cultural, theatre, sporting, tours, or other similar activities) amongst other things.

For the purposes of this Policy **Gifts** mean free or heavily discounted items that are offered voluntarily to another without obligation for payment. They range in value from nominal to substantial.



Cayman Islands Government

Policy On Offering and Receiving Hospitality, Entertainment or Gifts

4.1 Application

This Policy applies to all hospitality, entertainment and gifts, whether offered or received in the pursuit of Government objectives within the Cayman Islands or overseas. It is to be followed by all Civil Servants and Civil Service entities.

There are differences among Civil Service entities and whether the provision or receiving hospitality, entertainment and gifts is considered appropriate will be varied. This is why this Policy prescribes default standards. Individual entities may with the approval of the appropriate Chief Officer establish their own detailed rules and procedures to ensure compliance with the intent of this Policy, in accordance with the unique circumstances of their individual entities.

4.2 Exclusions

This guidance does not apply to the following:

- Hospitality/Entertainment/Gifts exchanged between and within Government entities
- Publicly funded Travel, Subsistence or Accommodation in relation to official business
- Transfer payments or sponsorship of approved causes or events
- Employee functions
- Employee welfare and/or emergency support
- Hosting of Official events and ceremonies.

4.3 Exemptions

Where the strict application of these guidelines would be counter to a Government objective or where pre-existing contractual arrangements or protocols exist, Chief Officers will consider and approve exemptions as appropriate. The Protocol office should always be consulted in respect of hospitality in relation to diplomacy (e.g. when hosting foreign dignitaries, royalty, etc.).

Where exemptions are granted, Chief Officers will ensure the justifications are sufficiently robust and documented to withstand audit and public scrutiny.

4.4 Recording of Hospitality, Entertainment or Gifts

The Cayman Islands Government has obligations under the National Archive and Public Records Law, and Public Management and Finance Law to maintain full and accurate records of its business and affairs.

At minimum Civil Service entities therefore should ensure that hospitality, entertainment or gifts provided by Government to those outside Government or offered to Civil



Cayman Islands Government

Policy On Offering and Receiving Hospitality, Entertainment or Gifts

Servants/Civil Service entities by external agencies, above a notional value of \$100 per person is recorded in an appropriate register. This includes:

- hospitality offered that is declined
- any instance involving a personal friend where the purpose of the hospitality was to cover business and/or was paid for by the individual's company or Government expense account.

The register is to be maintained at Departmental level and reviewed regularly by Chief Officers. Appropriate formats are contained at **Annex A**.

There is no requirement to record minor refreshments, working lunches or gifts where the notional value is estimated to be less than \$100 per person, providing this is not a frequent occurrence.

In general, it is not necessary to record hospitality received from other Government Departments, Government public bodies or overseas governments.

Records of hospitality are to be retained for a minimum of 5 years.

5. Receiving hospitality, gifts or entertainment

Civil Servants must not accept gifts, hospitality or entertainment, or receive other benefits from anyone which might reasonably be seen to compromise their personal judgement or integrity. In addition, as noted above (Section 4.1) individual entities and departments may have their own internal rules and guidance to govern this Section.

It is widely recognised that it is important for Civil Servants to maintain and build effective networks in order to support the work of Departments, and to gain a real understanding of the views of stakeholders.

However, contact with organisations outside government which give rise to offers of hospitality must be balanced with upholding high standards of propriety and guarding against any reasonable suspicion of perceived or actual conflicts of interest or undue obligation being created.

5.1 Proportionality In Accepting Hospitality

Any hospitality accepted should be occasional and should not be incessant or excessive.

Accepting hospitality frequently from the same organisation could lead to a perception that the work of the Government entity/department is being influenced by the objectives of a single organization. On the same basis, any hospitality accepted should



Cayman Islands Government

Policy On Offering and Receiving Hospitality, Entertainment or Gifts

not be lavish or disproportionate to the nature of the working relationship expected with the organization.

The receipt of modest occasional hospitality such as for example, working lunches and dinners may be necessary to build good stakeholder relationships and are acceptable where there is a genuine business reason. In exercising judgement as to whether to accept the hospitality being offered, consideration should be given to the public perception that would result from that acceptance.

5.2 Accepting gifts

All of the above considerations also apply to gifts.

Civil Servants may come into contact with companies and organisations where it is normal business practice or social custom to offer gifts as a means of promoting helpful working relationships. This kind of offer can place them in a difficult position. To refuse may cause misunderstanding or offence, particularly if the offer is made by an overseas Government or organisation with different cultural norms. However, if Civil Servants were to accept, their impartiality could be in doubt, and their behaviour could be seen as improper and may even be illegal.

There are many different types of offer and the action which a Civil Servant should take will depend mainly on the type of relationship involved and the context in which the gift or hospitality is offered. Whatever the circumstances, members of staff should bear in mind the following points:

- there must be nothing in their behaviour which might give rise to a suspicion that they are acting in their own private interest.
- they should never give the impression to the public or to any organisation with which they deal or to their colleagues that a gift could influence the way in which they deal with any person or organisation.

When considering whether to accept, either directly or indirectly (e.g. spouse or other close family links), a gift, or some other benefit, Civil Servants should also bear in mind the following factors:

- Gifts over a notional value of \$100, with few exceptions, should always be refused. Where a gift over \$100 is accepted it will be retained by Government as Government property.
- Gifts offered in lieu of a fee for broadcasts, speeches, talks or other work may be accepted if the item can be used by Government in its work.



Cayman Islands Government Policy On Offering and Receiving Hospitality, Entertainment or Gifts

- Where the refusal of a gift from an overseas Government or company may cause offence, advice from the Protocol office should be sought and Chief Officers will make the ultimate decision.

The acceptance of money (or financial gain) will **never** be considered acceptable.

5.3 Conflicts of interest

The relationship between the recipient and the donor is very important. Some employees perform roles that inevitably call for greater consideration (E.G. key decision makers, members of a tender board or perhaps those authorising payments particularly where there is a personal or family relationship to the company or individual.

Those responsible for procurement or management of contracts must consider the relationship they have with suppliers (vendors and contractors) very carefully. Procurement rules may also provide additional guidance for managing conflicts. Even those not connected with a contractual process or contract management could inadvertently create a perception of bias.

Other examples may include inspectors or examiners who must consider relationships with persons seeking licenses; those who award grants must consider relationships with applicants; and policy makers must consider relationships with lobbyists.

If offered hospitality, entertainment or gifts by an organisation, consideration should be given to the wider perception that acceptance may create, including any perception of undermining the integrity and impartiality of the entity's or individual's work or decision-making.

Consideration should be given to whether the organisation is bidding for work or grants from other Government departments, or whether the organisation is under any investigation or have been investigated/reviewed by the Government.

Consideration should be given to whether it is appropriate to accept hospitality from an organisation if that organisation is also the recipient/beneficiary of public funding from the Government. The key risk being a perception of public funds being used for purposes that are not considered necessary.



Cayman Islands Government
Policy On Offering and Receiving Hospitality, Entertainment or Gifts

6. Authorisation and approval for publicly funded hospitality

The prior approval of a departmental director is required for any departmental expenditure associated with hospitality, entertainment or gifts provided at public expense.

In addition, a Chief Officer's approval is required when:

- Alcoholic beverages will be provided
- Where entertainment, hotels or travel will be provided
- Hospitality, entertainment or gifts will be provided to or extended to a spouse or partner of a Civil Servant
- Hospitality or entertainment will be provided at a private residence
- Where the hospitality, entertainment or gifts are likely to be considered, novel, contentious or otherwise has the potential to bring the Civil Service/Government into disrepute

The below table identifies some examples of the types of consideration when approving gifts that are publicly funded:

Situation	Value	Approval
Officially <u>branded</u> gifts with low or negligible residual value (e.g. promotional pens, keyrings)		No requirements to record unless departmental arrangements specify otherwise
Individual gifts (e.g. plaques, pictures, local crafts)	up to \$150	Head of Department or equivalent
All other Gifts	\$150 and over	Chief Officer

A sample request and approval format is contained at **Annex B**.

Chief Officers may delegate authority to named individuals who have responsibility for high volumes of specific or regular activity. Such authority should be in writing and specify the situations and limits that are to apply.



Cayman Islands Government
Policy On Offering and Receiving Hospitality, Entertainment or Gifts

7. Provision of hospitality, entertainment or gifts at public expense

Any hospitality, entertainment or gifts provided at public expense must be appropriate, proportionate and moderate following the same principles as established for the receipt of such items.

7.1 Provision of hospitality at public expense

Any provision of food and beverages should be appropriate to the event, the participants, time of day and will typically be within the following limits:

Type of Hospitality	CI\$ Per Person (excluding gratuities)
Breakfast	\$30
Lunch	\$40
Dinner	\$65
Light snack / non-alcoholic beverages	\$25
Evening reception	\$30

Where external venues, facilities or other expenditure is required, (e.g. conference venue, flight tickets, hotels etc.) the normal Government/Departmental procurement guidelines and policies should be followed including the need to obtain quotations/tendering of comparable options to demonstrate value for money.

The provision of alcoholic beverages at an event can lead to increased risks, including risks of anti-social behavior and risks to the reputation of both the Government and the individual concerned. Alcohol should therefore only be provided in circumstances where it is expected as a matter of courtesy, diplomacy, protocol or business etiquette (e.g. when hosting a dinner or evening reception). Additional consideration should be given to the timing of the event so as to minimize the risk of employees returning to work impaired.

Government encourages moderation and a responsible attitude towards the consumption of alcohol. It is the responsibility of the host manager to take reasonable steps to minimise risks relating to the consumption of alcohol at official Government activities or events.



Cayman Islands Government

Policy On Offering and Receiving Hospitality, Entertainment or Gifts

7.2 Provision of gifts at public expense

Gifts should not be provided as a matter of course. If provided, they should be modest and appropriate to the situation. In the case of gifts to reciprocate overseas guests, guidance should be sought from the Protocol Office.

7.3 Provision of entertainment at public expense

Entertainment should not generally be provided at public expense. Where it is provided to meet Government Objectives (e.g. to promote tourism, encourage investment, promote stakeholder engagement) it should be appropriate to the situation and preferably be reflective of the Cayman Islands culture and heritage.

8. Restrictions on receiving hospitality at public expense

Civil Servants may be provided with hospitality or entertainment in situations where they:

- are required to be part of an event, or to participate in a government event with external visitors or guests.
- are required to participate in business meetings, training or similar events that extend beyond normal working hours or away from their normal place of duty. This includes situations where employees are required to work through a normal break or meal periods. It may include situations where there are no nearby or appropriate facilities to obtain refreshments or meals and/or where participant dispersal is not effective or efficient.

When a Civil Servant is the recipient of hospitality, it would not be appropriate for them to claim additional expenses or per diem allowances in addition as part of official travel or official duty expenses. Where appropriate, whole day per diem allowances should be abated by an appropriate amount or limited to claiming any receipted actual expenditure necessarily incurred. For example, it would not be appropriate to claim for a meal when appropriate food was made available at public expense or as part of an event (e.g. Training or conference). Further details on per diem allowances are covered in the **Official Travel Policy**.

9. Reporting inappropriate behaviour or suspected fraud

Any officer aware of inappropriate actions or suspected fraud has a duty to report it. Reports should be made to the Head of Department, Director or Chief Officer as considered appropriate to the circumstances. Where this is not considered appropriate, a report should be made to the Deputy Governor using the email address: deputygovernor@gov.ky or use available whistle blowing process.



Cayman Islands Government

Policy On Offering and Receiving Hospitality, Entertainment or Gifts

All suspected breaches of this policy must be investigated and if proven, disciplinary action up to and including dismissal may be appropriate. Where criminal activity is suspected, (e.g. theft/fraud/bribery), the matter may also be referred for a criminal investigation.

10. Information Management

The availability of pertinent information regarding hospitality, entertainment and gifts will enable the CIG to effectively identify official hospitality, entertainment and gifts and to protect against the perception of corrupt relationships or improper conduct or other negative perception.

Records should therefore be retained as specified in Section 4.3 of this Policy and published in the format as Publication Template (**Annex A**).

11. Exceptions to This Policy

Any deviations from this policy must be identified as such and must have the approval of the Chief Officer or delegate in writing.

12. Dishonesty

Dishonesty with regard to recording of hospitality, entertainment or gifts or other significant breaches of this policy may result in disciplinary action.

13. Further information

For further information on this policy and guidance, please contact the Portfolio of the Civil Service.

Gloria McField-Nixon, JP

Chief Officer, Portfolio of the Civil Service

Cayman Islands Government



Cayman Islands Government
Policy On Offering and Receiving Hospitality, Entertainment or Gifts

Annex A - Hospitality Registers

Hospitality Offered or Received Register – Publication Template

This register records all hospitality, entertainment and gifts offered, received or declined by [name of department] between [date] and [date] with notional value of over \$100.

Name of Ministry/Portfolio/Department				
DATE	HOST/DONOR	HOSPITALITY/ENTERTAINMENT/GIFTS RECEIVED	VALUE(CI\$) <small>(State whether actual or estimated)</small>	ACCEPTED / NOT ACCEPTED

Reviewed by Chief Officer [Name] _____ [Signature]_____ [Date]_____

This document must be retained for at least 5 years from the date of the last entry.



Cayman Islands Government
Policy On Offering and Receiving Hospitality, Entertainment or Gifts

Hospitality Offered at Public Expense Register – Publication Template

This register records all hospitality, entertainment and gifts offered by [name of department] between [date] and [date] with notional value of over \$100.

(Note: purpose can include details such as event, location, host, recipients, related government objective etc.)

Name of Ministry/Portfolio/Department					
DATE	PURPOSE	NUMBER OF and PEOPLE OFFERED TO	LOCATION	VALUE(CI\$) (State whether actual or estimated)	ACCEPTED / NOT ACCEPTED

Reviewed by Chief Officer [Name] _____ [Signature] _____ [Date] _____

This document must be retained for at least 5 years from the date of the last entry.



Cayman Islands Government
Policy On Offering and Receiving Hospitality, Entertainment or Gifts

Annex B –Approval for the provision of hospitality, entertainment or gifts at public expense

[Departments may adapt this format to accommodate local working arrangements. It may be used in paper format or electronic/email. A permanent record of the approval must be maintained for audit purposes for a minimum of 5 years.]

What is the nature of the proposed hospitality, entertainment or gift?

When will it happen?

How much will it cost?

Who will receive the hospitality/entertainment/gift?

What Government objectives will it support/Justification?

How will you measure success/ return on Investment?

Who is submitting this request?

Departmental Director (may approve expenditure within their department)

I consider this request reasonable and justifiable expenditure of public funds in the context of current policies and guidelines and it is hereby approved/ submitted to the Chief Officer for consideration.

[name]_____ [Signature]_____ [date] _____

If alcoholic beverages will be provided; or entertainment, hotels or travel will be provided; or hospitality or entertainment will be provided to or extended to a spouse or partner of a Civil Servant; or Hospitality or entertainment will be provided at a private residence; or the hospitality or entertainment is likely to be considered, novel, contentious or otherwise has the potential to bring the Civil Service/Government into disrepute; it must be considered and approved by a Chief Officer.

Chief Officer

I consider this request reasonable and justifiable expenditure of public funds in the context of current policies and guidelines and it is hereby approved.

[name]_____ [Signature]_____ [date] _____



Cayman Islands Government Policy On Offering and Receiving Hospitality, Entertainment or Gifts

Additional Definitions

- **Benefits:** A benefit is a value to the recipient but less tangible than a gift. For example preferential treatment, privileged access to events or information. Whilst their value might be difficult to quantify in dollars, they may be highly valued by the recipient and therefore can be used to influence their behavior.
- **Conflicts of Interest:** A circumstance where a person stands to obtain personal benefit from the decisions or actions taken in an official capacity. Civil servants always have a duty to resolve a conflict in the public interest, not their own.
- **Disproportionate:** Unreasonable in amount or size when compared with something else
- **Frequent:** happening or occurring regularly.
- **Gifts:** A gift is an item of value which one person or organization gives voluntarily to another without obligation for payment.
- **Good Faith:** An honest intent to act without taking an unfair advantage over another person
- **Lavish:** Extravagant; bestow something in generous or extravagant quantities
- **Lobbyists:** Individuals or groups who communicate with public officials to influence the decision-making of government or regulatory agencies.
- **Occasional:** Taking place from time to time; not happening often or regularly
- **Official:** Business, events or activities undertaken in relation to the functions and objectives of the Cayman Islands Government and its related entities