OAI has recently received a number of notifications where ADB staff have been offered bribes by third parties (briber) to neglect their duty or show favoritism. Bribes are often disguised as commissions or gifts. This obviously puts staff in a difficult position.

The offer or payment of a bribe is a corrupt practice under ADB’s Anticorruption Policy and staff are obliged to report such matters to OAI as soon as possible. In all cases where bribes are offered, ADB’s main concerns are the welfare and integrity of staff as well as ADB’s reputation.

These guidance notes are meant to advise staff on what to do if they are offered or receive a bribe. These guidance notes cannot cover all situations and if staff are in a situation not covered by these notes, they should contact OAI directly at integrity@adb.org, phone +63 2 632 5004 or fax +63 6362152.

Scenarios

1. **A BRIBE IS OFFERED TO STAFF IN PERSON:**

   The simple response is to politely decline the offer; however, this response is not always the easiest or safest option. Before making the decision, staff will need to assess the situation and understand whether declining the bribe will be problematic or lead to a hostile environment.

   Immediately after the bribe has been offered, staff should notify their director or senior staff and indicate that a detailed written account of what happened will follow. This is to ensure that the integrity of the staff is not brought into question due to any delay in the reporting. Whether the bribe is received or not, staff should prepare a written record of the events as soon as practical after the incident as is safe to do so.

   The record should include the events that led to the offer, including specific details of the incident itself, such as the time, date, location and name of person who makes the offer. It is important to identify any witnesses who were present at the time the offer was made, whether they are third parties, colleagues or connected to the briber.

   Subsequent to reporting the offer to a senior staff member, the written account needs to be submitted to OAI. If the staff is concerned about confidentiality, potential involvement of colleagues or retaliation, the written account should be submitted to OAI at once and directly, instead of to their director or senior staff. Staff are permitted to make referrals to OAI in confidence.

   If submitted directly to OAI, the staff must not inform anyone else about the offer of a bribe to maintain confidentiality. However, if the information does have to be shared, it should only be shared with the fewest number of persons necessary. Everyone involved should hold the information confidential.
2. RECEIVING A BRIBE IN PERSON:

As outlined above, there are some circumstances where it would be impossible for staff to reject a bribe. The protocols above will still apply; however, prior to reporting the payment of the bribe there are certain steps that need to be followed.

In accepting the bribe, whether in cash, gift or in any other form, the staff should not make any commitments to the briber. It is always possible that conversations between the briber and staff could be recorded.

Where possible, the staff should try and handle the cash or gift in a manner that would allow the preservation and subsequent extraction of other fingerprints where necessary. The handling applies to the original packaging as well as the cash or gift contained within it.

If possible, on reporting the payment of the bribe to a senior staff, director or OAI, staff should give the cash or gift to them for safekeeping.

Where a bribe has been paid in the form of cash it will be necessary for the serial numbers of the notes to be recorded and photographed. Handling the cash needs to be done with care and the notes should be held at the corners only. One photographed, the cash should be secured in a safe and should not be deposited into a bank account.

Bribes in the form of gifts should also be photographed and secured in a safe, if possible.

The steps discussed in scenario 1 would then apply.

3. RECEIVING A BRIBE BY MAIL OR COURIER:

It is rare for a bribe to be offered or received by mail or courier as it leaves a paper trail back to the briber. However, if a bribe is offered or made this way, it is important to maintain all documents, such as courier delivery slip and/or note that accompanies the cash or gift. This includes the original wrapping or envelope.

All the steps outlined in scenarios 1 and 2 apply. Directors or senior staff who receive reports of attempted bribes, offers of bribes or actual bribes have an important role to play in dealing with the consequences of a report. It is extremely important that they support staff and also maintain confidentiality by only discussing the next steps with OAI.

Where necessary, directors or senior staff will need to consider whether the staff member may also be at risk of physical threats in relation to the bribery incident. Referrals to OAS Security, for a security assessment or security measures for the staff, should be coordinated with OAI so that OAI may provide guidance on confidentiality procedures to protect the staff.

20 January 2015