Antikorrupsjon i Multiconsult

TEKNA temamøte

Norad, Oslo, 15.05.14

Janne Britt Saltkjel, Compliance officer Multiconsult

Agenda

- Litt om Multiconsult
- Hvordan vi jobber med antikorrupsjon
- Hovedelementene i antikorrupsjonsarbeidet
- Erfaringer

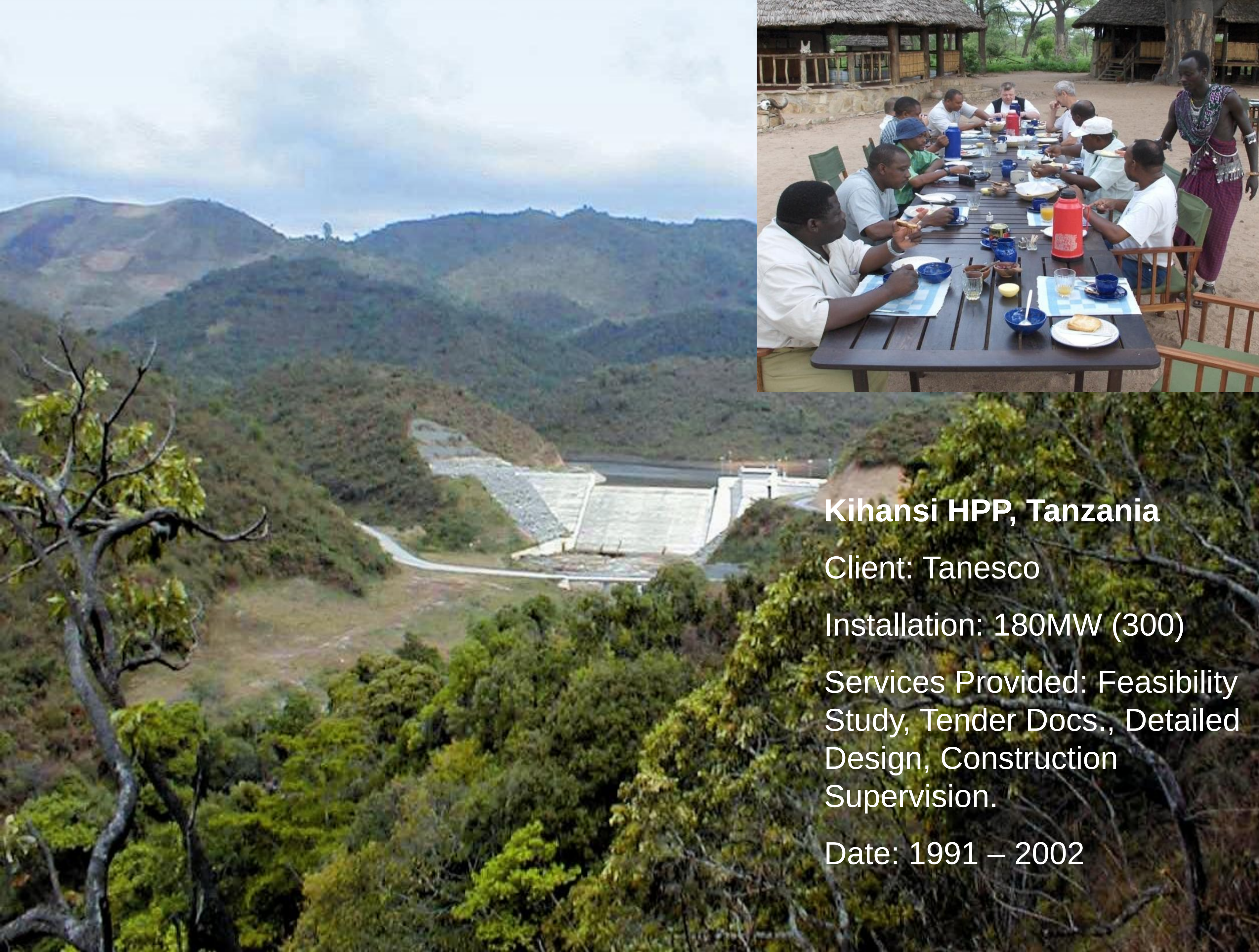
Multiconsult i Norge

- 1500+ medarbeidere
- 27 kontorer inkl. Svalbard
- 7 regioner

- Datterselskaper:
  - Analyse & Strategi
  - Multiconsult Voss
  - Vestconsult (Stord)
  - Eierskap i Link Arkitektur AS

Multiconsult i verden

- Prosjekter globalt
- Datterselskaper i England og Singapore
- Eierskap i selskaper i Tanzania og Uganda
- Norplan AS - internasjonalt merkenavn



Kihansi HPP, Tanzania

Client: Tanesco

Installation: 180MW (300)

Services Provided: Feasibility Study, Tender Docs., Detailed Design, Construction Supervision.

Date: 1991 – 2002


Ruacana HP Station, Namibia
Client: NamPower
Project: Installation of 4th unit (105 MVA)
Date: 2007 – ongoing

Multiconsults oppdrag internasjonalt

Hovedmengden av internasjonale oppdrag

- Er innen kraftbransjen
- I land med høy korrupsjonsrisiko i følge TI-index
- Med eksponering mot offentlige tjenestemenn
- Innebærer bruk av tredjeparter lokalt
- Er hel- eller delfinansiert av offentlige midler og bistandsmidler (NORAD, EU, Verdensbanken m.fl.)

Multiconsults oppdrag for NORAD

- Ambassadene har midlene og treffer beslutningene
- NORAD er rådgiver, trekker inn ekstern ekspertise
- Rammeavtale med NORAD om rådgivning på Energisektoren – kraft
  - Kraftverk, rentbrennende ovner, solcelleløsninger – all mulig energitilgang og produksjon
  - Hele syklusen,
    - Vurdering av planer fra prosjekter som søker om midler
    - Midlene kan finansiere alt fra studier til bygging
    - Evalueringer; impact assessments midt i eller etter et program
- Separat rammeavtale med ambassaden i Tanzania som er størst på Energi
- Kan også være på multilaterale nivåer der WB og andre er med

Utviklingen av antikorrupsjon i Multiconsult

Pre 2010

- Verdidokumenter og styringsdokumenter for etisk atferd og samfunnsansvar
- Antikorrupsjon del av opplæring
- Vanlige internkontrollrutiner mht utbetalinger og innkjøp
- Diskresjonære vurderinger av korrupsjonsrisiko
- Risikovurderinger og tiltak ikke formalisert og ikke alltid dokumentert

2010

- Etablering av Etiske retningslinjer
- Etablering av Etikkråd
- Oppdatert opplæring og innleie av eksterne spesialister

2011

- Avtale med Verdensbanken om antikorrupsjonsprogram og monitorering
- Utarbeidet veileder for anti-korrupsjon («ansvarlig praksis»)
- Antikorrupsjon med i sjekklister for oppdragsstyring
- Beslutning om innleie av ekstern bistand til utvikling av antikorrupsjonsprogram

Utviklingen av antikorrupsjon i Multiconsult

2012

- AK-policy
- Prosedyrer og verktøy for AK i salg og i oppdrag
- Integritetsvurdering av 3. parter
- Workshops
- Dilemmatrening som e-læring
- Etablering av 100 % stilling for Compliance funksjon

2013

- Utrulling datterselskaper
- Godkjent av Verdensbanken
- Revisjon av etiske retningslinjer
- Forbedring av prosedyrer og verktøy
- Opparbeide erfaringsdatabase
- Opplæring fortsetter
- Monitorering og revisjoner

2014 -

- Revidert mandat for Etikkrådet
- Opparbeide erfaringsdatabase
- Antikorrupsjonshåndbok
- Egenerklæring leverandører
- Forbedring av prosedyrer og verktøy
- Opplæring fortsetter
- Monitorering og revisjoner

Hva vi snakker om når vi snakker om «Antikorrupsjonsprogrammet»

- Etiske retningslinjer og Antikorrupsjonspolicy

→ «The tone at the top»

- Prosedyrer for AK i salg og oppdrag

→ Operasjonaliserer policyen - omsetter prinsipper til handling

- Metode og verktøy for korrupsjonsrisikovurderinger og integritetsundersøkelser (IDD)
- Internkontrolltiltak, som egenerklæringer fra tredjeparter

→ Sikrer og dokumenterer styring av risiko

- Opplæring – dilemmatrening, workshops

→ Sikrer styring av risiko

- Monitorering ved revisjoner, stikkprøver og oppfølging
- Varslingskanaler

→ Sikrer forbedringer

Risikostyring – screening og risikoanalyse

Screening for anti-corruption risk international projects

Purpose with the screening: To evaluate whether further risk assessment is required

Guidance for the screening:

1. Evaluate and answer the four evaluation criteria in the matrix, by choosing relevant cell/colomn for each question
2. Complete the fact cells marked grey
3. The comment/assessment field: Provide additional information and considerations (the character of the project) that may reduce or enhance the inherent risk.
4. Conclusion field: Choose conclusion based on the matrix and additional considerations presented in the comment/assessment field
5. When the screening is part of a simplified general risk assessment ("Forenklet usikkerhetsstyring"): Answer the questions 3.1 in the "Simplified uncertainty assessment" based on the conclusion of this screening.

Evaluation criteria (check explanation below the table):

1. Where or for where is the project performed?	Countries with T.I.-index > 70				Countries with T.I.-index 40-70				Countries with T.I.-index < 40			
2. Will there be substantial cooperation with 3rd parties*?	No		Yes		No		Yes		No		Yes	
3. Will there be exposure to PEP or government officials**?	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes
4a. Contract value < EUR 50.000?												
4b. Contract value EUR 50.000 - 500.000?												
4c. Contract value > EUR 500.000?												

*Substantial cooperation with 3rd parties: Project manager is 3rd party; i.e. partners, sub contractors or vendors who comprise significant part of delivery
**Exposure to PEP or government officials: PEP (politically exposed persons) or Governement officials or people with close relations to such in key positions for project

Project owner / client: 0

Project number: 0

Department:

Project name: 0

Description of project and corruption risks factors *Factors that may increase or reduce risk. Such factors would be related to the character of the project, if procurement is done, transfer of funds, relationships to customers and third parties etc. Se comment attached to red marked corner.*

Low	Further corruption risk assessment not required
Medium	Further corruption risk assessment required (risk 1-7 in risk assessment) - see sheet 3. Risk assessment_Int'l
High	Full corruption risk assessment required (risk 1-10 in risk assessment) - see sheet 3. Risk assessment_Int'l

Conclusion: <---Please choose conclusion from drop down menu

Prepared by: (Tender or project manager)
(Tilbuds- eller oppdragsleder)
Date: dd.mm.yyyy

Approved by: (Tender or project responsible/director)
(Tilbuds- eller oppdragsansvarlig)
Date: dd.mm.yyyy

Risikovurdering ved medium eller høy risiko

Anti-Corruption Risk Register for simplified (1-7) and full (1-10) risk assessment

Project name	0	Department	0
Prepared by (Tender offer or project manager)	(Tender or project manager)	Approved by: (Tender and project responsible)	(Tender or project responsible/director)
Date:		Date:	

Risk Identification				Risk Analysis						Planned actions		
Risk #	Anti-Corruption Category	Risk	Description of risk	Explanation	Impact	Likelihood	Risk Score	Risk Class	Risk response	Action Plan	Target Date	Responsible
1	Bribery	Bribery payments or suspision of such.	Engaging in any form of bribery (including offering, promising, giving, accepting, or soliciting payments designed to gain any improper business advantage).	Explanation on how impact and likelihood is assessed	5	2	10	High	Control		dd.mm.yy	
2	Facilitation payments	Illegal payments of grease money.	Making payments to government officials to facilitate a routine action to which there is already an entitlement.		4	4	16	High				
3	Gifts & Hospitality	Bribing with gifts and invitations, or suspision of such.	Offering or accepting gifts, entertainment, or hospitality as a subterfuge for bribery.		3	4	12	High				
4	Charity/ political contributions	Charity or policial contributions influence decisions in Multconsults favour, or looks like it.	Promising, giving or soliciting contributions to parties/individuals/sponsorships engaged in politics or charity.		3	1	3	Low				
5	Third parties	Third parties involved in corruption, or can be suspected to be	Third parties (partners, sub-contractors or suppliers) associated with Multiconsult, do not take appropriate steps, in the performance of services, to comply with all applicable laws and Multiconsult's anti-corruption program.		4	3	12	High			dd.mm.yy	PM and CO
6	Contracts	Contracts indirectly open up for corruption	Contracts do not include appropriate anti-corruption clauses. Contract payment terms are not clear in regard to services provided and paid for, missing information about where the monies flow (country). Contract amendments are not subject to adequate internal control procedures.		2	2	4	Moderate				
7	Procurement	Corruption occuring in procurement processes on Multiconsult or Norplan's behalf, or in procurement processes on behalf of a customer	Suppliers and contractors are not selected through a fair, honest and transparent procurement process.		3	1	3	Low				
8	Time and expense reporting	Reporting of expense is hiding corruption or laundering payments from corruption	Inaccurate time and expense reporting failing to prevent or detect corruption activities.		2	1	2	Low				
9	Adequate records & internal control	Corruption enabled by poor records and internal control	Inadequate financial and accounting procedures, inadquete system of internal controls, failing to prevent or detect corruption		2	1	2	Low				
10	Training & communication	Insufficient or inconsistent AC awareness, knowledge and execution	Corruption risk are not understood or Multiconsult's anti-corruption policies are not effectively embedded in day to day business processes or in the way business is conducted by employees.		3	2	6	Moderate				

Faktorer som vurderes mht korrupsjonsrisiko

- Bestikkelser, smøring
- «Facility payments» - tilretteleggingshonorar
- Interessekonflikter, håndtering av habilitet / nærstående
- Gaver og invitasjoner / representasjon
- Innkjøp – prosess for anskaffelser, evalueringskriterier
- Kontrakter – leveranse, betalingsbetingelser, AK-klausuler
- Tredjeparter – kunder, underleverandører, agenter
- Politiske bidrag / donasjoner
- Opplæring
- Kommunikasjon - informasjon, tonen på toppen, varslingsmuligheter
- Bokføring og internkontroll

Integritetsundersøkelser 3. parter

Third party:	Drop down menus under "Answers"	
Question	**Answer**	**Risk**
Names and reputation of owners and management	*We do not know the names or reputation of the owner or key personnell, or they have been associated with criminal activities*	
The location of the work performed and delivered by the third party	*Country with T.I.-index < 40*	
Home country / location of head office of the third party	*Country with T.I.-index > 70*	
Reputation of the third party	*MC has some but limited experience with the company, no negative incidents*	
Role in project	*3. party holds a limited role in the project*	
Level of procurement performed by third party	*No or insignificant procurement handled by 3. party*	
Amount of transactions and/or cash in the project handled by the third party	*Transactions routed through project and third party, but limited amounts and number*	
Does the third party have other third parties?	*This 3. party has no or very limited use of other 3. parties*	
Does the customer have any CoC adressing anti-corruption?	*The company has an updated CoC adressing AC*	
Other comments relevant for the corruption risk:		
Conclusion whether further IDD deemed necessary:	Further IDD assessment to be conducted	

Fase 1: Oppsummering av tredjepartens navn, renommé, lokalisering, rolle i prosjektet m.v.

Avhengig av konklusjon fra fase 1 gjøres fase 2:

Detaljert identifisering av «røde flagg» . Eks: Adresse, nøkkelpersoner, stiftelsesdato, økonomisk situasjon, referanseprosjekter

INTEGRITY DUE DILL ASSESSMENT - THIRD PARTY OR CUSTOMER

(Note to Bid/Project Manager (tilbuds-/oppdragsleder) and Bid/Project Responsible (tilbuds-/oppdragsansvarlig): Complete the information indicated in italics and then delete all italic instructions from this Disclosure Form and from the attached Schedules.)

PROJECT	*(Insert name of Project)*
Contract	*(Insert name of contract and state whether it is a Major Contract or Major Sub-contract)*
Company	Tritech, Singapore *(Insert name of party who is subject to this Disclosure Form.)*
Capacity of Company	*(State capacity of the Company, namely, whether it is the Project Owner, an Applicant for a Major Contract, a Major Contractor, a Major Sub-contractor, or a Joint Venture Member of any of those parties.)*

16200

General Notes

This Integrity Due Dill (IDD) Disclosure Form enables the Project Manager and Owner to cover key information regarding its potential contractors and their joint venture partners, sub-contractors, agents and Freelance Consultants.
Multiconsult's third party is the "Company" and means the party for which this Form is completed, either by Multiconsult or by the disclosed
All information requested in this Disclosure Form is for the purposes of assessing the risk of Corruption due to the participation of a
The questions in this Form will not necessarily identify all corrupt circumstances. Further questions should be added if warranted by the
The "Answer" boxes in this Form are for information about or provided by the third party

1. THE Company (or CUSTOMER)

Please provide the following details of the Company:

1.1 Name of the Company, role and some key facts	
Answer	
Assessment	

Red Flags	(a) The Company has a bad or unknown reputation for integrity.
Further enquiries	(a) Newspaper searches (b) Web searches (c) Enquiries of embassy in home country of Company (d) If the Company is located in a country in which Company records are filed, obtain a copy of the filed records from the public registry and check these against the information provided by the Company in the Disclosure Form.

1.2 Principal address of the Company and the address of the bank account	
Answer	
Assessment	

Red Flags	(a) The Company is located in a tax haven or in a country where the degree of public disclosure and/or monitoring is low. (b) The Company is located in a country which has a low score in Transparency International's Corruption Perceptions Index (see www.transparency.org .http://cpi.transparency.org/cpi2011/results/) c) The bank account of the company is located in a tax haven, or in a country where the degree of public disclosure and/or monitoring is low. d) The bank account of the company is located in a different country that the address of the Company.
Further enquiries	

1.3 Date and place of incorporation or registration of the Company.	
Answer	
Assessment	

Red Flags	(a) The Company has only recently been incorporated or registered.
Further enquiries	(a) Ask the Company to explain the reasons for the recent incorporation or registration.

1.4 Name, country of residence and percentage shareholding of each Principal Shareholder of the Company.	
Answer	
Assessment	

Red Flags	(a) One or more Principal Shareholders have poor or unknown reputations for integrity. (b) One or more Principal Shareholders are resident in a tax haven or in a country where the degree of public disclosure and/or monitoring is low. (c) One or more Principal Shareholders are resident in a country which has a low score in Transparency International's Corruption Perceptions Index (see www.transparency.org).
Further enquiries	(a) Newspaper searches. (b) Web searches. (c) Enquiries of embassy in home countries of Principal Shareholders.

1.5 Name, country of residence and title of each Senior Officer of the Company.	
Answer	
Assessment	

Red Flags	(a) One or more Senior Officers have poor or unknown reputations for integrity. (b) One or more Senior Officers are resident in a tax haven or in a country where the degree of public disclosure and monitoring is low. (c) One or more Senior Officers are resident in a country which has a low score in Transparency International's Corruption Perceptions Index (see www.transparency.org).
Further enquiries	(a) Newspaper searches. (b) Web searches. (c) Enquiries of embassy in home countries of Senior Officers.

1.6 Annual turnover, profits and net assets of the Company for the last 3 accounting years. Please also supply a copy of the audited annual accounts for the last 3 accounting years.	
Answer	
Assessment	

Red Flags	(a) The Company has an annual turnover which is low compared to the size of the Company's planned scope of work for the Project. (b) The Company's net assets are nominal or too low to provide adequate comfort that the Company has the financial strength to undertake its planned scope of work in relation to the Project. (c) The Company's profitability is far higher than would be expected of a Company in its sector. (d) The Company has been making significant losses. (e) Accounts have not been independently audited. (f) Discrepancies between audited accounts and other information provided in the Disclosure Form.
Further enquiries	(a) Compare the figures with the copy of accounts supplied. (b) If the Company is located in a country in which accounts are filed, obtain a copy of the filed accounts from the public registry and check them against the information provided by the Company in the Disclosure Form. (c) Query these issues with the Company. (d) Check the audited accounts against other information provided in the Disclosure Form. (e) Clarify discrepancies with the relevant officer of the Company.

IDD - integritetsundersøkelser

Røde flagg:
- Navn, adresse
- Bankkonto, valutasort
- Størrelse på selskapet
- Rolle i oppdraget
- Hvordan valgt til oppdraget
- Avlønning for oppdraget
- Incentiv - / bonusordninger
- Etiske retningslinjer, policy for antikorrupsjon
- Navn på eiere, ledere
  - CVer
  - Nærstående relasjoner,
  - Politiske forbindelser
  - Interessekonflikter

Erfaringer og problemstillinger

- Medarbeidere møter problemstillinger i det daglige arbeidet ute
  - passbeslag, press fra lokale politimenn, invitasjoner, gaver osv
- Saksbehandlere på giversiden vil være i utsatte posisjoner, ekstremt viktig med kompetanse og gode kontrollrutiner
- Vanskelig å finne informasjon om hvem kunden eller tredjeparten er
  - Nærstående relasjoner, interessekonflikter – hvordan kan vi avdekke slike?
  - Begrenset informasjonstilgang pga språk, infrastruktur og lokale forhold
- Forsøk på å tåkelegge / endre konklusjon i rapport med konsekvenser for miljø og helse, for å sikre viderefinansiering
- Hemmelighold av ledelse og eiere hos kunde som har mottatt bistandsmidler
- Opplever enkelte anbudsrunder som lite transparente – får ikke kjennskap til evalueringskriterier og score, shortlister med tilsynelatende ukjente kandidater

Men ikke alt er negativt -

- Enkelte selskaper har kommet langt, andre viser sterk vilje til å lære og etterkomme våre krav
- Ofte nytter det å yte motstand - det aksepteres at vi ikke betaler og forsøkene på korrupsjon og facilitation payments avtar
- Positive ringvirkninger: Krav fra myndighetene (pisk) og fra kundene (gulrot) øker fokus i organisasjonen og at vi må sette krav til underleverandører
- Men finansieringskilden har også betydelig innflytelse
  - Viktig med tydelige forventninger overfor mottakerne
  - Kan sette konkrete krav til åpenhet, rapportering og dokumentasjon
  - «Skolering» i antikorrupsjonstankegang og trening er også bistand!

Spørsmål?

Ansvar og organisering

- Ledelsen har ansvar for
  - Tonen på toppen – og blant mellomlederne
  - At styringssystemet gjør medarbeidere i stand til å håndtere korrupsjonsrisiko

- Compliance' ansvar og oppgaver
  - Forvaltning av Multiconsults etiske retningslinjer
  - Forvaltning av antikorrupsjonsprogrammet inkludert bistand i vurderinger og tiltak
  - Håndtering av varsler og etiske problemstillinger
  - Opplæring: E-læring for alle, kurs for nyansatte, oppdragsledere, innleide konsulenter
  - Leder Etikkrådet
  - Generell bistand til linjen om håndtering av etisk vanskelige situasjoner

- Alle i organisasjonen har et ansvar for etterlevelse og dokumentering av etterlevelse