

## **SAMPLE FACILITATION PAYMENT POLICY**

The following sample of a facilitation payment policy, procedure and guidance can be adapted and used by an organisation.

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### **[NAME OF ORGANISATION]**

#### **FACILITATION PAYMENT POLICY, PROCEDURE AND GUIDANCE TO PERSONNEL**

1. [Organisation] will not make facilitation payments of any kind.
2. Facilitation payments are unofficial payments made to secure or expedite an action by a government official, policeman or other person of authority. Facilitation payments are prohibited. There is no de minimis allowance.
3. The only exception to this prohibition is if at any stage you feel that making the payment is necessary to safeguard your own, or another person's, safety or liberty. In this case make the payment, and report it as per 4 g) below.
4. The following guidance suggests how you should act if a facilitation payment is requested from you:
  - a) Take reasonable steps to verify that the payment is legitimate. If it is legitimate, it is likely that:
    - i) the requirement for and amount of the payment would be published in official government documents or on a government notice board at the location the payment is demanded;
    - ii) the payment would be something that would normally and legitimately be expected (e.g. a visa payment at the visa desk in the airport arrivals hall); and
    - iii) a receipt on official paper would be issued without needing to request it.
  - b) If no reasonable proof of legitimacy is apparent, then request proof of legitimacy in the form of:
    - i) the official requirement for and amount of the payment published in official government documents or on a government notice board; and
    - ii) a receipt on official paper.
  - c) If no reasonable proof of legitimacy is provided, and the service is being denied without payment being made, then ask to speak to a more senior officer so as to obtain reasonable proof of legitimacy.
  - d) If no reasonable proof of legitimacy can be obtained, then, subject to 3), do not make any payment and consult with the [compliance manager].
  - e) If you believe that you are being asked for an illegal payment, the request may be withdrawn and the service provided without payment if you inform the demander that you are not allowed by [Organisation]'s policy, and by the law in [Organisation's home country] to make such a payment, and if you did you would be obliged to report it to

the relevant law enforcement authorities in [Organisation's home country] who then are likely to report it to the local authorities. However, use your judgment as to whether such a statement may worsen the situation, or create a safety issue.

- f) There is increasing evidence that companies which have a zero tolerance approach to facilitation payments stop being asked for them by officials.
  - g) If you have made a facilitation payment in circumstances where you have concerns over its legitimacy, or where you made the payment so as to safeguard your own, or another person's, safety or liberty, then you must as soon as possible:
    - i) make a record of the event;
    - ii) report the event to the [compliance manager].
5. The [compliance manager] will investigate the event, and determine whether any follow up action should be taken. In particular, the [compliance manager] will determine whether it is necessary to report the event to the relevant authorities (e.g. if there are money laundering implications, or if reporting is legally required).
6. Any such payment must not be disguised as a legitimate business expense.
7. [Organisation] will correctly record the payment in [Organisation]'s accounts.

This policy has been adopted by [Organisation] board resolution on [date].

.....  
[Chief Executive Officer]  
[Organisation]

[date]