MINISTRY OF HEALTH AND WELLNESS

Anti-Corruption Policy

SEPTEMBER 2020
I am pleased to be associated with the release of the Anti-Corruption policy for the Ministry of Health and Wellness.

As you are aware, the Independent Commission Against Corruption (ICAC) through its Public Sector Anti-Corruption Framework reinforces the commitment of public bodies to fight the scourge of corruption. Public bodies should develop a comprehensive Anti-Corruption Policy on corruption prevention and promote a zero tolerance stance towards corruption culture and malpractices. In that essence, my Ministry has reviewed its Anti-Corruption Policy which sets the tone for Good Governance practices and engages each and every one towards a culture of integrity.

Fighting any form of corruption in the health sector requires an overall pledge to integrate an anti-corruption perspective on health expenditure. This means incorporating the values of honesty, fairness, equality, equity and the setting up of accountability mechanisms, as well as promoting multi-stakeholder participation into every project, policy, and programs.

I urge that all officers comply with the rules, regulations and procedures established by the Ministry and abide to this Anti-Corruption Policy as well as the core values and principles thus promoting good governance in the delivery of a professional and quality service to the population.

I avail myself for this opportunity to reiterate my heartfelt thanks and appreciation to all those you have contributed in the materialisation of this publication.
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Our Core Values

Respect
We have high positive esteem for any person and aim at taking specific actions in our conduct to show that respect. Any conduct considered as rude or bringing dishonour shall not be tolerated. We encourage chivalrous actions and firmly believe that respect is more earned and built over time.

Integrity
We value consistency in our principles, actions, methods and expectations. We believe in an uncompromising and consistent commitment to honour our moral, ethical and human values towards our patients, staff members and the public. Honesty and consistency of character are our prime concerns.

Excellence
We aim at acting righteously in whatever we undertake. We strive to care more than others. We are committed to achieve more than ordinary.

Impartiality
We believe in the spirit of true justice. No person shall be favoured more than another. We endeavour to take any decision based on objective criteria without any bias or prejudice.

Collaboration
We are committed to learn, share knowledge and build consensus. We encourage proper behaviour and fruitful communication. Team success is our target.

Professionalism
We will strive to maintain the highest level of competency in the delivery of our services. We are committed to meet the expectations when working with our clients/stakeholders. We adhere to ethical and moral obligations in performing our duties. We have public interest high on our agenda.

Individual Compassion
Fairness, justice and interdependence are the main notions we adopt in dealing with our patients. All our patients and staff inclusive shall be treated with dignity and respect. We shall put forth whatever effort required to mitigate the problems of our patients.

Display Honesty and Integrity
No one should accept any gift where they are or could be interpreted as being designed to secure influence or preferential treatment in favour of the donor.

Staff should not accept bribes or any other inducements in whatever form that may influence their decisions or actions.

Staff members should at all-time ensure that their actions and decisions are not influenced by self-interest or consideration of personal gain or any other improper motives.

All members of the staff should avoid situations which may give rise to pecuniary gains or other conflicts of interests. However, should any possible situation of conflict of interests or perception thereof arise, same should be declared in writing and submitted to the Head of Unit for immediate consideration.

Act Professionally and Ethically
All staff members should:

- Comply with all lawful directions given by their Head of Units or any person so delegated;
- Comply with rules, regulations and procedures established by the Ministry of Health and Wellness in the delivery of services; and
- Carry out their duties professionally, ethically and in a politically neutral manner.
Vision and Mission of The Ministry

**Vision:**
A healthy nation with an improved quality of life and wellbeing.

**Mission:**
- Sustaining a high-performing quality health system that is patient-centred, accessible, equitable, efficient and innovative.
- Improving quality of life and well-being of the population through the prevention of communicable and non-communicable diseases, promote healthy lifestyles and sustain an environment free of health hazards.
- Facilitating the development of Mauritius into a medical and knowledge hub and support health tourism.
- Ensuring that the available human, financial and physical resources lead to the achievement of better health outcomes.
Introduction/ Background of The Ministry

The Ministry of Health and Wellness operates under the portfolio of the Minister of Health and Wellness. It is responsible for health issues in the country. It aims at improving the quality of health care delivery through a wide range of health services to the population.

Public Health Services in Mauritius are provided free of user cost throughout the country at the different public health outlets.

Health facilities at primary care level include Community Health Centres, Area Health Centres, Medi-Clinics and Community Hospitals. All these provide medical, nursing, dispensing and support services at local level.

At secondary level of care are the Regional Hospitals and District Hospitals.

In addition, there are specialised hospitals which include a Mental Hospital, an Eye Hospital, an Ear, Nose & Throat Hospital, a Cardiac Centre, and a Chest Hospital.

Policy Statement

This Anti-Corruption Policy lays down the undeniable commitment of the Ministry of Health and Wellness to eradicate and protect its system against any act of corruption and sustain the culture of honesty, integrity, transparency, accountability and professionalism in the delivery of its services.

The Ministry of Health and Wellness expects high standards of ethical and professional conduct needed from all its officers working in any capacity.

It is committed to its core values and mission and any deviant behaviour will not be accepted or tolerated. This Policy consists in building a positive work environment whereby ethical conduct and decision-making will be facilitated.

Though it is acknowledged that such a Policy cannot be defined for each and every single situation at the workplace, it is the least intended to replace the need of basic common sense expected from staff member to behave.

All staff of the Ministry of Health and Wellness must abide to this Anti-Corruption Policy and the core values and principles it promotes.
Anti-Corruption Commitment
Through this policy the Ministry of Health and Wellness of Life engages itself to fully and unequivocally adopt a zero-tolerance stance towards corruption and other malpractices and shall ensure compliance with the anti-corruption legislation.

Scope of The Policy
This Policy lays down the foundation for positive organisational behaviour and culture expected at the Ministry of Health and Wellness.

Applicability of this Policy
This Policy applies to anyone working at/with the Ministry of Health and Wellness in whatever capacity and is involved either directly or indirectly in its internal or external processes in the delivery of its services.

Aim of The Policy
This Policy communicates the intent of the Ministry. It aims to guide all concerned towards reinforcement of integrity at all levels. The Ministry is committed to counteract and interdict any malicious, detrimental and corrupt practices in any process.
Definitions

For the purpose of this Policy, the same interpretations provided under PART I of the Prevention of Corruption Act 2002 on “an Act of Corruption” and “Gratification” shall apply.

Viz

“act of corruption” -

(a) means an act which constitutes a corruption offence; and
(b) includes -
   (i) any conduct whereby, in return for a gratification, a person does or neglects from doing an act in contravention of his public duties;
   (ii) the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;
   (iii) the abuse of a public or private office for private gain;
   (iv) an agreement between 2 or more persons to act or refrain from acting in violation of a person's duties in the private or public sector "for profit or gain"; and
   (v) any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of personal influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person;

“gratification” -

(a) means a gift, reward, discount, premium or other advantage, other than lawful remuneration; and
(b) includes -
   (i) a loan, fee or commission consisting of money or of any valuable security or of other property or interest in property of any description;
   (ii) the offer of an office, employment or other contract;
   (iii) the payment, release or discharge of a loan, obligation or other liability; and
   (iv) the payment of inadequate consideration for goods or services;
(c) the offer or promise, whether conditional or unconditional, of a gratification. person's duties in the private or public sector “for profit or gain”;
The Anti-Corruption Policy

The main objective of this anti-corruption policy is to strengthen and sustain an integrity culture within the Ministry. This will be achieved through:

- The setting up of effective processes characterized by broad participation and transparency.
- Regular evaluation of corruption risks, systems and procedures.
- Ensuring that projects have clearly formulated goals, expected results as well as monitoring and follow-ups.
- Learning from experiences and continually improving organizational performance and the corporate image.

All staff must adhere to the policy established below. It sets down the standards of behaviour, conduct and level of professionalism expected from one and all staff members of the Ministry of Health and Wellness in the delivery of services.

Organisational Culture and Personal Behaviour

Member staff should not

(a) indulge in any conduct whereby in return of a gratification he either does or neglect doing something contrary to his duties.

(b) offer, promise, accept or solicit a gratification or reward from any patient.

(c) make abuse of his/her office for private gain.

(d) adopt any conduct whereby he/she accepts or obtains or attempts to obtain any gratification either for himself or herself from a patient.

Responsibility for Implementing The Policy

The responsibility to develop and coordinate the implementation of the policy shall rest upon the Anti-Corruption Committee (ACC) established for the purpose. The ACC shall set priorities, provide advice when ethical issues arise and communicate the policy to all levels of management and staff.

The Anti-Corruption Committee

The committee shall comprise of members from both operational and support departments of the institution.

The Deputy Permanent Secretary shall lead the project and chair all meetings. The ACC shall be responsible for coordinating and implementing the Anti-Corruption Policy. It shall develop a time-bound programme with clear and precise deliverables and related budget and execute it once approved by top management. The Ministry shall designate an officer to act as Secretary to the Committee.

The committee shall meet on a regular basis, preferably every month or as decided by the Chairperson of the ACC. The Chair shall decide upon the setting up of sub-committees to assist the ACC in the implementation of any initiatives decided by the ACC.

Role of Management

It is the responsibility of directors and managers to promote the Anti-Corruption Policy within their areas of operation. Managers are expected to actively deter, prevent and detect corruption by maintaining effective control systems and ensuring that their staff are familiar with the policy.
**Role of Employees**
Each employee shall read, be familiar with and strictly comply with the policy. The Ministry shall ensure that each employee is provided with a copy of this policy or otherwise has online access.

**Role of Internal Control**
The Internal Control has the responsibility to ensure the effectiveness and adequacy of the Internal Control System in place. It should ensure that system is subject to regular audit to provide assurance that they are effective in countering corruption opportunities.

The roles and responsibilities of Integrity Officer/s at the Ministry of Health and Wellness would involve primarily:

(a) acting as Secretary of the Anti-Corruption Committee set up in the context of the implementation of the Public Sector Anti-Corruption Framework;
(b) coordinating with ICAC in the implementation of integrity and ethics programme, training, implementation of the Public Sector Anti-Corruption Framework and other corruption Prevention initiatives;
(c) facilitating the development, implementation and monitoring of anti-corruption policies and procedures;
(d) implementation of integrity and anti-corruption related activities;
(e) providing guidance to and advising management on integrity, ethics programme and corruption prevention;
(f) supervising, monitoring and evaluating the organization’s integrity, ethics programme and corruption prevention;
(g) providing guidance to Management on how to conduct Corruption Risk Assessments;
(h) ensuring corporate compliance with relevant laws;
(i) upgrading and reviewing the organization’s Code of Ethics and Conduct. Whenever necessary; and
(j) reporting quarterly to Ministry of Public Service, Administrative and Institutional Reforms on integrity initiatives taken at the level of the Ministry of Health and Wellness, through their Supervising Officers.

**Ministry Assessment**
The organisation is conscious that the risk of corruption may occur in every sphere of its activities and may evolve in the light of changing circumstances and working environment. In its endeavour to proactively address risks of corruption, the Ministry of Health and Wellness shall management process is in place. Risk assessment should focus on a thorough analysis of the functional activities in close collaboration with officers involved in the process with a view to identifying potential or actual corruption risk necessary corruption prevention measures including policies and procedures should be developed to address the risks. The responsibility to plan, coordinate and monitor the risk management process rests with the ACC.
Laws Penalising Corruption

All the sections of the law penalising corruption offences are described in sections 4 to 15 of the Prevention of Corruption Act 2002 as amended. These include bribery by public official, bribery of public official, taking gratification to screen an offender from punishment, public official using his office for gratification, traffic d'influence and conflict of interests, among others.

Composition of Anti-Corruption Committee (ACC)

The ACC shall comprise:

*Mrs R.D. Bissessur*, Deputy Permanent Secretary (Chairperson)

*Dr B. Ori*, Director Health Services

*Mr R. Dhoomun*, Manager, Financial Operations

*Mr S. Pentayah*, Manager, Procurement and Supply

*Mrs S. Nuckchady*, Manager, Human Resources

And five co-opted members from the five regions:

*Dr S. Hemoo*, Ag Regional Health Director, Dr A. G. Jeetoo Hospital

*Dr V. Dinassing*, Regional Health Director, SSRN Hospital

*Dr R. Goordoyal*, Regional Health Director, J. Nehru Hospital

*Dr (Mrs) S. Ramsewak*, Regional Health Director, Flacq Hospital

*Dr B. S. Caussy*, Regional Health Director, Victoria Hospital

*Mr J.L.D. Bhujoharry*, Assistant Permanent Secretary (Integrity Officer and Secretary)
Terms of Reference of the ACC

1. Formulation of an Anti-Corruption Policy.


4. Overseeing and Coordinating implementation of Corruption prevention strategies.

5. Implementation of recommendations proposed by the ICAC in Corruption Prevention Reviews.

6. Advise management on corruption prevention issues with respect to new projects and policies on which the organisation is embarking.

7. Building and sustaining an ethical culture to promote integrity of staff within the organisation.

8. Interact with other Anti-Corruption Committees to share prevention experiences.

9. Report Achievements through the Chief Executive of the Ministry /Department to the Director General of the ICAC twice yearly.

10. Conduct appropriate controls to ensure that the Anti-Corruption Policy is properly enforced.

11. Meet regularly and be in line with evolving best practices and address changing corruption risks.

12. Take all necessary steps to evaluate all corruption risks that the Ministry might face and design an effective program adapted to mitigate such risks.

13. Ensure a conducive environment where corruption risk is minimised.

14. Arrange training for members of staff to better understand corruption risks and avoid committing corrupt acts.
Handling and Reporting Corruption

Reporting suspected cases of corruption - Notwithstanding Section 44(1) of the Prevention of Corruption Act (PoCA) 2002 as amended which provides that where an officer of a public body suspects that an act of corruption has been committed within or in relation to that public body, he shall forthwith make a written report to the ICAC, the organisation shall put in place measures that shall facilitate the reporting of suspected cases.

Section 45 of the PoCA as amended provides that where in the exercise of his functions, the Chief Executive of a public body is of the opinion that an act of corruption may have occurred, he may refer to the ICAC for investigation.

The Ministry of Health and Wellness may set up a committee to assist the Chief Executive in determining whether there is reasonable doubt for suspicion of corruption prior to referral of the case to the ICAC for investigation.

Confidentiality - Information pertaining to complaints shall not be disclosed to any unauthorised party.

Disciplinary Measures

The Ministry of Health and Wellness is committed to ensuring that this policy is duly implemented in the organisation. Disciplinary measures in accordance with established procedures will be taken against any staff who is found guilty of a breach of the provisions contained in this policy.
Protection of Whistle Blowes

The Ministry of Health and Wellness is committed to protecting any person who raises a concern about any issue of corrupt practice from retaliation or reprisal. Any endeavour to take any action detrimental against any person who has legitimately raised an issue of corrupt practice will be dealt with all possible seriousness and lead to the matter being reported to the Police or disciplinary action.

Furthermore, under section 49(5) of the Prevention of Corruption Act, a person who commits an act of victimisation against a person who has made a disclosure under section (1) or (2) shall be guilty of an offence and shall, on conviction, be liable to pay established fine and to imprisonment.

1. “Subject to subsection (6), where a person-
   a. discloses to a member of the Board or an officer that a person, public official, body corporate or public body is or has been involved in an act of corruption; and
   b. at the time he makes the disclosure, believes on reasonable grounds that the information he discloses may be true and is of such a nature as to warrant an investigation under this Act, he shall incur no civil or criminal liability as a result of such disclosure.

2. Subject to subsection (6), where a public official-
   a. discloses to his responsible officer or to the Director-General that an act of corruption may have occurred within the public body in which he is employed; and
   b. believes on reasonable grounds that the information is true, he shall incur no civil or criminal liability as a result of such disclosure and no disciplinary action shall be started against him by reason only of such disclosure.

3. A person who makes a disclosure under subsection (1) or (2) shall assist the Commission in any investigation which the Commission may make in relation to the matters disclosed by him.

4. A person to whom a disclosure is made under subsection (1) or (2) shall not, without the consent of the person making the disclosure, divulge the identity of that person except where it is necessary to ensure that the matters to which the information relates are properly investigated.

5. A person who commits an act of victimisation against a person who has made a disclosure under subsection (1) or (2) shall be guilty of an offence and shall, on conviction, be liable to pay a fine not exceeding 50,000 rupees and to imprisonment not exceeding one year.

6. A person who makes a false disclosure under subsection (1) or (2) knowing it to be false shall be guilty of an offence and shall, on conviction, be liable to pay a fine not exceeding 50,000 rupees and to imprisonment not exceeding one year.

7. In this section, “victimisation” means an act –
   a. which causes injury, damage or loss;
   b. of intimidation or harassment;
   c. of discrimination, disadvantage or adverse treatment in relation to a person’s employment; or
   d. amounting to threats of reprisals.”

There will be no reprisal by management against the “public official” who in good faith reports an act of corruption or malpractice or suspected illegal and dishonest activity or any activity that he/she has witnessed. However, disciplinary actions may be taken against any person who knowingly had made false allegations.
Training and Communication

The Ministry of Health and Wellness recognises that the success and credibility of this policy depends on effective training, communications and the awareness of directors and employees throughout the organisation. Management should ensure that the Anti-Corruption Policy is clearly disseminated to all staff and that its content are understood.

Review of Policy

This policy will be reviewed as and when required if necessary or in the event of any changes in the laws and regulations that are relevant to the Ministry of Health and Wellness. The Chairperson of the ACC should recommend the review to the Senior Chief Executive as applicable.

Approval

C. Bhugun

Senior Chief Executive

Date