



# CODE OF ETHICS

MINISTRY OF FOREIGN AFFAIRS

January 2017



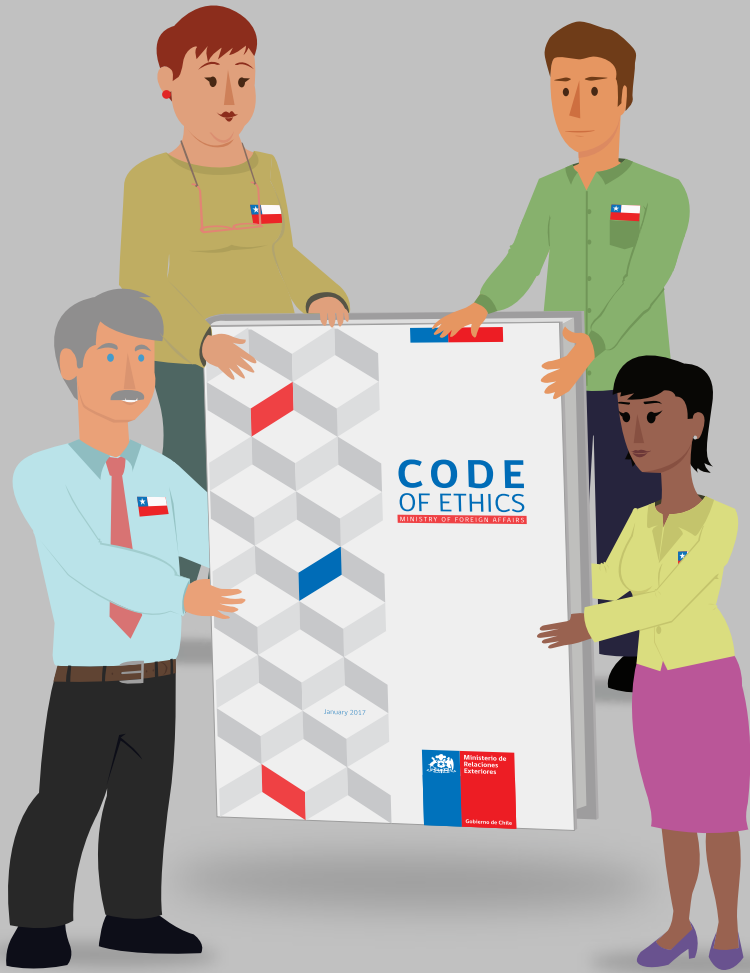
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# I. INTRODUCTION

I am very pleased to introduce the Code of Ethics of the Ministry of Foreign Affairs. This document summarizes the commitments of the institution and its employees on issues regarding ethics and probity, topics that are interesting to the work of our service, through brief definitions and practical examples that are considered from our institutional reality. It also advises employees on what to do and whom to turn to for consultations or possible actions that may violate the provisions of this Code.

At this point, it is important to clarify the following: although some of the commitments defined in the Code of Ethics refer to compliance of the regulations that handle the performance of public officers, other commitments come from our institutional culture and values. Therefore, this Code can be seen as a statement of those behaviors that we must take care of if we wish to have a better service, as long as it combines our duty with the must be.

In this regard, it is fundamental to appeal to the good criterion that should be applied at reading this Code, since its purpose is to be a guide to resolve or face various situations that may arise in the context of the work.

We invite you to get to know our Code of Ethics and integrate it into our day to day, through its application as discussion and debate. We want this Code to be a dynamic tool, an object of permanent reflection and improvement.

**EDGARDO RIVEROS MARÍN**

**UNDER-SECRETARY OF FOREIGN AFFAIRS**



## II. DEFINITION AND SCOPE OF THE CODE OF ETHICS

Having the purpose of making progress in strengthening the public function and the institutional system, in 2015, the President of the Republic ordered the implementation of the Agenda for Probity and Transparency in Business and Politics. Within the administrative measures set out in this Agenda, all Public Services were instructed to draw up Codes of Ethics, looking forward to set high standards of behavior for the probity and transparency of the employees. In order to achieve this goal, the United Nations Development Program and the National Civil Service Board, worked on the development of general standards and guidelines, and also assisted the Services in the phases of information gathering, drafting and socialization of the Codes of Ethics.

A Code of Ethics is an institutional tool built in a participative manner, which permits to agree on the ethical standards that characterize the Ministry of Foreign Affairs, having the goal of generating a labour coexistence based on common values. From this definition, three main aspects emerge:

- a. Participative construction.** The contents and examples of the Code are the result of the opinions obtained through a diagnosis, so the same employees have defined what is important for ethics and probity issues and how we understand and deal with them as a Service.
- b. Standards that characterize the Ministry.** This document is addressed to all workers of the Ministry of Foreign Affairs who perform permanent duties, regardless the degree of position's responsibility or the place of work.
- c. Labour coexistence based on common values.** The purpose of this document is not to public sanctions for certain behaviors, but to explain those basic principles of the relationship between the institution and its employees, and reciprocally, between them and the institution.

All employees of the Ministry of Foreign Affairs are expected to comply with the regulations and what is indicated in this document. In any case, if any of the conducts under the Code contradicts Laws or Regulations applicability, the latter will govern over this Code.



### III. MISSION AND VALUES OF THE MINISTRY OF FOREIGN AFFAIRS



## a. Mission

To contribute to the formulation of a Foreign Policy, as defined by the President of the Republic, and to lead and coordinate its implementation in the context of a foreign policy system to which the State, the civil society and other public and private stakeholders converge.

## b. Values

The institutional values were defined from two instances. Firstly, the Working Group, was set up for the development of the Personnel Development Policy, who made a proposal of institutional values, according to the Mission of the Ministry. Secondly, based on this proposal, a survey was conducted on the personnel in Chile and abroad, selecting through this way the four values that identify us and to which we aspire as a service.

- **Commitment:** we are committed to our institution, and we work in a spirit of service to contribute to the defense of the national interests, and to meet the needs of our users.
- **Professionalism:** we strive to get excellence in our results, performing our work in a responsible and earnest way, building networks within and outside the institution.
- **Loyalty:** we serve the interests of Chile and our institution with loyalty in every part of the world. Our institution belongs to us.
- **Respect:** we encourage labor relationships based on respect, good personal treatment and cordiality. We acknowledge diversity and different points of view as a reflection of our orientation to a global world.



## IV. COMMITMENTS ACCORDING TO GROUPS OF INTEREST



## A. COMMITMENTS OF THE INSTITUTION AND AMONG EMPLOYEES

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### 1. WE INTERACT RESPECTFULLY AMONG EMPLOYEES, HEADS AND AUTHORITIES

We encourage good treatment and mutual respect, regardless of our position, rank, nationality, sex or age.

#### EXAMPLE<sup>1</sup>

Our Consulate is known for having a good work environment, since we all have very good working relationships and treat each other respectfully. A couple of years ago there arrived a new boss who never greeted the staff when he got to the office, he just passed and looked at us in a contemptuous way. Besides, he asked for things in a bad way, he did not thank us and sometimes used a rather rude language. This began to affect the labour climate, we were tense and scared. Finally, our colleague Amparo commented to the boss that the work environment caused by his behavior affected people, as well as the teamwork, so good treatment was essential for us. The boss was surprised by the comment, and then gradually began to improve his attitude.

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Examples used are merely illustrative.

## 2. WE VALUE DIVERSITY AND REJECT DISCRIMINATION

In our service, we value diversity in terms of people and opinions. In addition, we make decisions and treat people with professional judgment, leaving aside prejudices or arbitrary reasons such as appearance, position, rank, ethnicity, nationality, sex, gender identity, religion, age, among other things.

### EXAMPLE:

Last month I participated in an Evaluation Committee for a promotion contest. When we were reviewing the background of the applicants who had passed the first stage, and commented on the coincidence that most of them were women, Juan, a member of the Commission, said: "I would re-evaluate the applications, since it is not possible that more women than men have passed". This caused annoyance to the rest of the members of the Committee, who reminded him that ours is a professional environment, so comments should also be so.

## 3. WE REJECT SEXUAL HARASSMENT

In our institution we reject any kind of conduct of sexual harassment, that is to say "a person who improperly makes, by any means, sexual requirements not consented by the recipient, that threaten or harm his/her employment status or his/her job opportunities".

Sexual harassment can be physical (physical approaches or contacts) or produced by other means, for example, verbal proposals, e-mails, letters, etc.<sup>2</sup>

### EXAMPLE:

My friend Martina, who serves in another area, once stayed in the office working late, when a colleague came to talk to her. After a few minutes he told her it was too late to be still working, and that he could think of better ways to spend time. Martina felt very uncomfortable and after some time she got home but, from that day on, the invitations and suggestions continued repeatedly. Her co-worker began to leave gifts and obscene computer-written notes on her desk. Finally, my friend decided to report him for sexual harassment and the reported employee was sanctioned.

#### 4. WE REJECT WORKPLACE HARASSMENT AND ANY ACT AGAINST THE DIGNITY OF WORKERS

We reject any type of workplace harassment, understood as “any conduct that constitutes repeated aggression or harassment by the employer or any one or more workers, against another worker or workers, by any means, that results in their detriment, harm, or humiliation, or that threatens or impairs their work status or job opportunities”.

Workplace harassment can be of various types: psychological, by ignoring the affected person or persons (the silent treatment), or by disturbing them with persistent taunts; physical, involving the use of force and physical violence; or abuse of power, which means taking advantage of their hierarchy to exert abusive conducts towards their subordinates.

Likewise, we do not accept detrimental acts against the dignity of other employees.

##### EXAMPLES:

Once a new employee, Renata, came to work with us. Since the beginning some of the people in the team did not like her, so they began to ignore and make fun of her on her back. When Renata approached to talk to them, they looked at her over their shoulder and then continued talking among them as if she were not there. Soon, the new employee took a sick leave which, as we knew later, resulted from the stress of working under those conditions. The boss knew this and reported the incident to the Authority, which brought penalties for the harassers after the corresponding investigation proceedings that actually established workplace harassment.

A few years ago, there was a boss in the institution who was known for her humiliating treatment to people who worked with her. She almost shouted at them, asked them uncomfortable or shameful questions, and if they did not understand her instructions at once, she repeated things over and over again, speaking to them with feigned compassion. Finally, they decided to file a collective complaint for harassment, which ended with a sanction.

## 5. WE ENCOURAGE COLLABORATION AND TEAM WORK

We work cooperatively, sharing our knowledge and experience, striving together to meet the objectives of the institution.

### EXAMPLE:

Last week, at lunchtime, Joaquín enthusiastically told us he had found an article about a new methodology that could be very useful for our area, and that he was thinking about to propose it to the boss. We were surprised when, at the next coordination meeting, the boss commented that our colleague Felicia had proposed a bright idea about a new methodology. The same as our colleague had told us days ago! Joaquín, who was very angry, left the meeting, and when the boss called him to ask for explanations, he told him about the article and the stolen idea. The boss had a word with Felicia, who had to apologize to Joaquín.

## 6. WE ENCOURAGE TRANSPARENCY FOR INTERNAL COMMUNICATIONS

The labor information that affects us, such as performance evaluations, contests, selection processes or destinations, is communicated in a transparent and timely manner. Likewise, we avoid transmitting rumors that we are not certain of and that could affect the work climate.

### EXAMPLE

At the end of last year, Santiago, a colleague who had been working with us for a few months at the Ministry, told us he was very worried because someone told him that he saw his name on a list of contracts that were not going to be renewed. Even though we tried to restore confidence to him, Santiago was very distressed the next weeks, and he didn't know if it was convenient to talk to the boss about it. When he finally received a notification, it was not what he feared to receive, because his contract was renewed for another year. We took advantage of that opportunity to advise him that next time he should not pay attention to the hallway rumors, since they are usually false.

## 7. WE FOSTER AND TAKE CARE OF OUR LABOUR CONDITIONS

In our institution, we are concerned for spaces and work environments to be comfortable and safe. Therefore, we are informed of the regulations and safety procedures, and if the situation justifies it, to apply them properly and timely.

### EXAMPLE

A couple of weeks ago someone called the Risk Prevention Department, informing that on the third floor there was someone changing a low consumption bulb which was broken. Risk Prevention asked to clear the office at once, since the mercury vapor released from the bulb was toxic. Then this event was informed to the Joint Committee on Hygiene and Security, and they resolved to send an information brochure and to design posters reminding the procedure to be followed in situations like this.

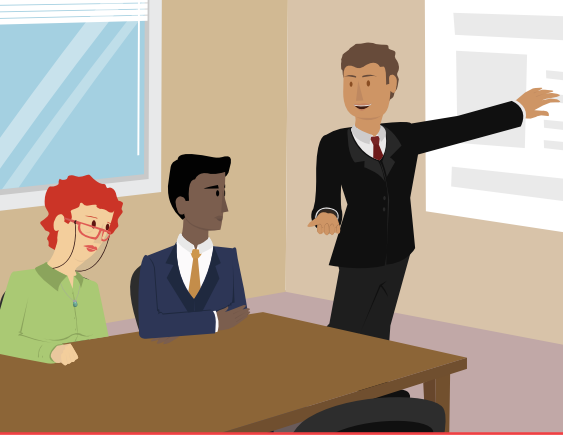
## 8. WE ENCOURAGE PROFESSIONAL DEVELOPMENT AND RECOGNITION.

We support the professional growth of our workers, offering instances of specialization, training and exchange of experiences. We also recognize their professional achievements and good performance.

### EXAMPLES

When the training plan for last year was published, my boss told me he had seen a couple of courses that would be interesting to complement my duties. I enrolled in one of the courses, which turned out to be very helpful to make the project I was working on even better.

Rogelio came up with an excellent idea to facilitate the sorting and dispatching of documentation. His boss liked it so much that he requested a merit note on his work history, and then asked Rogelio to make a presentation to teach the new method to other areas.



## B. COMMITMENTS OF EMPLOYEES TOWARDS THE INSTITUTION.

### 1. WE AVOID CONFLICTS OF INTERESTS

We are careful that our financial or personal interests do not influence our public function, so we do not intervene in matters that we have a personal interest in.

If we are facing a conflict of interest, we will refrain from participating in that issue and will inform our superior of such circumstance.

#### EXAMPLE

I was selected as a member of the Selection Committee in a recruitment process, and when I was reviewing the background of the applicants, I realized that my best friend's history was there. I told the Personnel Director about the situation, and he told me that I should abstain from participating in the mentioned committee.

### 2. WE REJECT INFLUENCE PEDDLING

We reject influence peddling; that is to say the use of the public power of an employee or an authority to obtain an undue benefit or a preferential treatment for himself or for others.

#### EXAMPLE

Some time ago, I was delegated to evaluate some résumés received in a Recruitment and Selection process for a position of leadership. One of those days, I received a call from an Area Director, who asked me to include the résumé of the niece of one of his friends on the application list. As I did not know what to do, I talked to someone from the Human Resources Department, who told me this was forbidden. Finally, this case gave rise to the respective complaint.



### 3. WE PROPERLY USE THE INFORMATION

We keep the integrity and secrecy of the information according to its nature, and refrain from using it for our own benefit or the benefit of others.

#### EXAMPLE

In one of the administrative areas, a large bid was going to take place and Adela was participating in the elaboration of the bidding conditions. One day she told me she had received three different calls that week from people that work in the institution who, in a very friendly way, were trying to obtain information about the bidding conditions. In all three cases, she answered that it was privileged information, so it could not be disclosed.

### 4. WE USE THE WORK SCHEDULE EFFICIENTLY

We use the working day in an efficient way for the compliance of our duties, and we do not spend time on personal stuff or other activities during the working hours.

#### EXAMPLE

The other day, our boss set out a coordination meeting at two thirty. From the five members of the team, two of us arrived on time and the other three were arriving one after the other, apologizing at the entrance, and telling us they were finishing lunch. The last person who arrived at three p.m. made the boss lose his temper. A little grumpy, he reminded us that the length of the lunch time was well defined, and that the priority during the work day was our commitments for work.

### 5. WE RESPECT STAFF DUTIES AND THE WORK SCHEDULE

We respect the staff by not asking them to perform other duties than those related to their position. We will not extend the work schedule of the staff beyond the established hours.

#### EXAMPLE

Some time ago, a new boss who had the habit of staying at work very late came to our Embassy. The problem was that he used to ask Ofelia, his secretary, to stay with him. Although Ofelia did not want to complain, we made the inquiry to the personnel area of the Ministry, who replied that the working schedule must be respected, except for extraordinary situations that require staff presence to be solved, so the corresponding overtime hours had been authorized.

## 6. WE PROPERLY USE THE INSTITUTION'S ASSETS

The assets and resources of the institution are public, so we use them in a responsible, efficient manner, thinking of the public interest and not of our own benefit or of others.

### EXAMPLE

The boss told Artemio, the new chauffeur of the Embassy, that on Friday noon, some relatives of him were visiting, so he needed Artemio to pick them up from the airport and take them downtown to have lunch, so they could have fun until he was done. Artemio replied that he had been working for a short time, but this request seemed to him that was against administrative probity.

Yesterday we were finishing lunch when Ana got up from the table and asked us to excuse her, that she had to go to the bookstore quickly to buy a textbook that was required at her son's school. Another colleague commented, without hesitation: "why are you going to buy it? My daughter needed the same book and I found a digital version, which I printed here". We looked at her and told her that was not right, that public goods are not used to save personal expenses.

## 7. WE RESPECT AND CARE FOR THE ENVIRONMENT

We respect and care for the environment, using the resources of the institution efficiently, considering the impact of our actions on the environment.

### EXAMPLE

A new colleague had the habit of leaving the computer on every day. He also did not use to turn off the lights when he left the office, and every time he had to check a document, he printed it instead of reading it on the computer screen. This attitude bothered us a lot, since everyone in the team was concerned about the environment, so we solved the problem by leaving little posters with notes and tips at visible places in the office.



## C. COMMITMENTS TO WHOM THE INSTITUTION RELATES

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### 1. WE REJECT PRESSURES, GIFTS OR UNDUE PAYMENTS

We only receive gifts such as official or protocol donations, rejecting the delivery of any gifts, discounts to buy products, free invitations to events, dinners, travels or any other benefits that may compromise our mood or make us believe that it is a common practice to benefit the one who delivers the gift.

#### EXAMPLE

Tobias works attending public. The other day he had to attend a lady who came very distressed because she urgently needed a document to travel the following week. Also, she said that she would be very grateful if he could hasten the process, leaving an expensive pen on his desk, explaining Tobias that it was "for the inconveniences"

Tobias returned the pen, thanked the gesture, and told her that he could not do anything to expedite the process, since the times are well defined. When the lady heard this reply, she left the place, very angry.

## 2. WE REJECT BRIVERY OR KICKBACKS

We will never request for and always reject any kind of gift or payment that implies a personal financial benefit or that affect our decisions or actions as public employees.

### EXAMPLE

There was a bid for the purchase of new computers, and one of the bidders called Bianca, who was in charge of the bid, to tell her that in case of being chosen, he had a modern laptop in stock, that he could give her for her personal use. Bianca told her boss about that offering and then both made the corresponding complaint.

## 3. WE ARE TRANSPARENT IN PROVIDING INFORMATION

We facilitate access to public information, complying with legal deadlines to respond the requests from our citizens. In addition, we keep channels updated and available for any query.

### EXAMPLE:

Roque, an employee who recently started working in the area of citizen care of the Ministry, once called me asking if it was appropriate to give information about a service contract to a third party. I told him that anyone can ask for information, if it is not secret or reserved, but this should be channeled through the procedures that the regulations stipulate.

## 4. WE DEAL WITH OUR SUPPLIERS IN A TRANSPARENT AND EQUALITARIAN WAY

We use the channels established to publish the public bidding process information and its results, in a timely manner, using clear and precise criteria, without any arbitrary discrimination.

During the bidding process, we contact the bidders only through the channels established for these purposes.

The evaluating commissions during evaluations, must declare not to have conflicts of interest in relation to bidders in the bidding process. In the event that there is a conflict of interest of one of the members, he/she must refrain from participating in the evaluation and inform this situation to the respective authority or head.

#### EXAMPLE

Two days ago, we published a bid for a very high amount. Today, I was called by the counterpart of a company that has worked with us before and with which we have a very good relationship. He told me he was planning to apply for this bid, so he needed to ask me some questions about the bids conditions. I had to ask him not to call me again until the bidding process had ended, and if he needed to make some queries he had to make them through Chilecompra's website.

### 5. WE DO AN EFFICIENT AND HIGH QUALITY WORK

We do our job efficiently, optimizing the use of labor time, of human resources and materials to ensure that the result of our work done is first quality job.

#### EXAMPLE

One day, when two of our colleagues were missing because they were on a service commission, we were notified that a background folder was urgently needed for the afternoon, so we had to prepare it. We easily coordinated the job, got to work and fortunately, we finished it on time. We even reviewed it and made some corrections before handing the folder.



## V. CONSULTATION AND REPORTING MECHANISM

## 1. CONSULTATION

The purpose of the consultation mechanism is to provide information on matters relating to the Code of Ethics, as well as those not included in it, which correspond to the ethical dilemmas that people must face daily.

Queries must be sent through the institutional mail enabled for these purposes: [etica@minrel.gob.cl](mailto:etica@minrel.gob.cl)

Queries will be analyzed by the Ethics Committee, who will have a period of 30 days to respond through the same consultation channel.

## 2. REPORTING

The actions described in this Code of Ethics, which also mean a violation of Decree-law No. 29 of 2004, from the Ministry of Finance, which contains the restated, coordinated and consolidated text of Act No. 18,834, on Administrative Statute, should be channeled to the Senior Chief of the Service through the corresponding complaint, according to the procedure established in the mentioned Statute.

The Authority will determine the appropriateness of carrying out a disciplinary procedure (summary investigation or administrative summary).

Conducts that deviate from the provisions of this Code, that are not linked with the Administrative Statute, may be reported to the institutional mail [etica@minrel.gob.cl](mailto:etica@minrel.gob.cl). Then, this information will be sent to the Ethics Committee who evaluates and defines the corresponding course of action.

## 3. PENALTIES

Failure to comply the standards established in this Code, and that involve a violation of the rules contained in the Administrative Statute or other laws, will be subject to the disciplinary regime established in those legal texts. It should be noted that, once the administrative responsibility of an employee has been ascertained, the disciplinary measures applicable are admonition, fine, suspension from office for thirty days to three months and dismissal, depending on the gravity of the committed offense and the respective mitigating or aggravating circumstances that are found from the merits of the background, all of which will be recorded in the employee's working history. This responsibility is independent from the civil and criminal liability that may fall on the involved employee.



## VI. GLOSSARY



**Workplace Harassment:** any conduct that constitutes repeated aggression or harassment by the employer or any one or more workers, against another worker or workers, by any means, and that results in the detriment, harm, or humiliation, or that threatens or impairs their work status or job opportunities.

**Sexual Harassment:** person that acts in an improper way, by any means, sexual requirements not consented by the recipient, that threaten or harm his/her employment status or his/her job opportunities.

**Bribery:** An offense committed by a private individual who offers or consents to give a public employee an undue financial benefit for performing or omitting an act of his work, infringing his duties, exercising influence or committing a breach of official duty (article 250 of the Criminal Code).

**Kickback:** An offense committed by a public employee who requests or accepts an undue financial benefit (colloquially known as a “payola” or “bribe”) for performing or having performed an act of his/her position, infringing his/her duties, exercising influence or committing a breach of official duty (articles 248, 248 bis, 249 of the Criminal Code).

**Conflict of Interest:** Situations that can influence on the correct performance of someone’s duties or making decisions objectivity due a private matter or personal motivation.

**Discrimination:** Any distinction, exclusion or restriction that has no reasonable justification, made by agents of the State or individuals, and which causes deprivation, disturbance or threat in the legitimate exercise of the fundamental rights established in the Political Constitution of the Republic or in international treaties on human rights ratified by Chile and which are in force; in particular, when they are based on reasons such as race or ethnicity, nationality, socio-economic status, language, ideology or political opinion, religion or belief, membership or failure to join union organizations, sexual orientation, gender identity, marital status, age, affiliation, personal appearance and illness or disability.

**Probity:** It consists in observing an unimpeachable official conduct and an honest and loyal performance of the duties or office with preeminence of the public interest over the particular interest.

**Influence Peddling:** To obtain an undue advantage or preferential treatment by using the influence of the position or public function.

**Transparency:** It is the principle which states that acts and resolutions of the organs of State Administration, its foundations, the documents that serve as support or direct and essential complement, and the procedures used for their adoption, are public, save for the exceptions established by this law and those provided for in other laws of qualified quorum.



