

Code of Conduct OM Carib 2023



Openbaar Ministerie
Parket Procureur-Generaal

Curaçao | Sint Maarten | Bonaire, Sint Eustatius & Saba

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1. Introduction

Why: The Public Prosecutor's Office (OM) is responsible for ensuring that citizens and organizations comply with laws and regulations and has a position involving confidentiality and a role of leading by example. This entails that the actions of Public Prosecutor's employees, both inside and outside the courtroom, are subject to scrutiny. OM employees are expected to be aware of this.

Objective: The code of conduct shows which core values the Public Prosecutor's Office strives for and what behavior may be expected of ourselves. It is not always a matter of right or wrong, and more often there is a gray area. The code of conduct provides guidance in uncertain behavioral situations and allows us to better recognize risks in order to resist enticements and outside pressure. Based on the code of conduct, anyone at the OM can be held accountable for their behavior. If in doubt, it can be discussed with a colleague, one's superior or with the organization's confidential advisor. The topics in the code of conduct are not described exhaustively and, if necessary, further rules may be drawn up or referred to.

Context: The Code of Conduct applies to all employees of the Public Prosecutor's Office, i.e., both members of OM Carib (Attorney General, Prosecutors, Solicitor General) and its "non" members, regardless of the nature or duration of employment. Everyone, from top to bottom, adheres to the code of conduct under all circumstances with supervisors in particular leading by example. With the Kingdom Law for Public Prosecution, the National Ordinance on Material Civil Servants Law and other applicable laws and regulations in the countries/on the islands, a general framework is outlined with regard to ethical behavior and conduct. Our own 2016 code of conduct was also reviewed as well as codes of conduct from similar organizations. Finally, experiences were included and input was also sought from the OM Carib Participation Council.



2. Our Core Values

Working for OM Carib means working in a professional team where diverse cultures come together with a number of core values as its foundation. The core values that form the basis of our work are reliability, honesty, thoroughness, transparency, objectivity, impartiality, and respect. As employees of the Public Prosecutor's Office, we are aware of where we work and uphold these core values.

There are also a number of rules of conduct that fit our core values. Our core values and rules of conduct define the corporate culture within OM Carib. Please keep in mind that there is not a rule of conduct for every situation. If this is the case or if you have any questions concerning a rule of conduct, discuss it with your supervisor, a colleague or the Confidential Advisor.

The code of conduct shall in any case contain rules on:

- a. mutual cooperation
- b. organizational resources
- c. (confidential) information
- d. gifts and finance
- e. work and private contacts
- f. online communication and (social) media
- g. additional (work) activities



- **(Confidential) information**

Within the Public Prosecutor's Office we have and process a lot of information. This includes information about in-house business, information about the cases we handle but also data about you and your colleagues. This information resides in a computer, a phone, usb - stick or a file and notepad on your desk. Protecting this information is important and leaving it lying around can cause damage to the organization.

As an OM employee:

- o I am aware of the valuable information at my disposal;
- o I treat available and acquired information with care and integrity;
- o information is exchanged between employees only when necessary for the performance of duties;
- o I am aware that due to the nature of OM's work, there are limits to the degree of openness the OM can provide;
- o my work environment and desk are tidy.

- **Gifts and Financial**

As an employee of the Public Prosecutor's Office, it happens that in appreciation for the pleasant cooperation, a gift is offered by an external party. It is important that this is done transparently to avoid the appearance of any dependence and conflict of interest.

As an OM employee:

- o I will not accept work-related gifts other than those that are permitted. This refers to work-related gifts received both at the workplace and also at the home address;
- o I will discuss the offer of a work-related gift valued in excess of \$50.00 or ANG. 100.00 with my supervisor or HR;
- o under no circumstances will I accept work related gifts in cash;
- o I will discuss a work-related invitation to a trip, outing, dinner or event with my supervisor;
- o I will refrain from getting involved in matters in which direct or indirect financial or other interests can be obtained;
- o I will abide by the rules regarding job-related expenses;
- o I will, within a reasonable period of time after the expense has been incurred, prepare and submit an expense report.



- **Work and private contacts:**

The public has given the Public Prosecutor's Office exclusive and far-reaching powers, i.e. to fight crime. The employee is aware of this responsibility of the OM and is aware that he or she works for the Public Prosecutor's Office. Therefore, contact with colleagues, citizens and external parties is done in a correct and respectful manner.

As an OM employee:

- o I am aware that I work at the Public Prosecutor's Office; report any questionable contacts and discuss them with my supervisor/ Chief Public Prosecutor/ Attorney General;
- o I will not be led by interests and preferences of acquaintances, family, business associates or by pressure from the media and politics;
- o I will not intervene in a criminal case in which acquaintances, family members or business associates are in the picture as suspects, declarants or witnesses;
- o I will report an affective relationship with a fellow employee to my supervisor;
- o I will report an affective relationship between me and a close partner of the Public Prosecutor's Office;
- o I do not make promises and commitments that I am not authorized to make.

- **Online communication and (social) media:**

Quickly finding and sharing information has never been easier with the Internet. It offers a wealth of information and is an important platform to connect with society. Online communication and social media have become indispensable today.

As an OM employee:

- o I conduct myself online as a good public servant and OM employee;
- o as an OM employee, I am aware of the reach and impact my message(s) can have on social media and via the Internet;
- o I may share public information;
- o when posting private messages, photos or videos, I consider my visibility as an OM employee in society;
- o I take a conscious approach to expressing my opinion on topics that concern the Public Prosecutor's Office;



- o in general, I do not speak to journalists/ media representatives but always let the media contact me through the communications staff;
- o I am familiar with the Guideline Use of Social Media, IT Resources and Media Contact (2022).

- **Additional (work) activities**

It is quite possible that, in addition to your work for the OM, you perform other activities. This could include volunteer work, board membership with an association or foundation, or any other type of part-time job. However, certain activities, whether paid or unpaid, may affect the interests of the OM and thus pose a risk.

As an OM employee:

- o I discuss my additional work activities with my supervisor. In doing so, I avoid any appearance of a conflict of interest;
- o I am aware that additional activities may affect my work for the OM. I discuss the permissibility of these additional activities with my superior;
- o I report my additional (work) activities annually to HRM as well as interim changes;

- **The OM-employee**

As OM employees, wherever we go, we are OM Carib's first calling card. This is the case in the workplace, during a work visit to external parties but also while on a business trip. Even outside the OM premises, you represent the organization as a whole and your own office in particular, and the code of conduct applies in full.

As an OM employee:

- o I am aware that there are different (working) cultures and I respect them;
- o I wear appropriate clothing, display respectable behavior, and conform to local customs;
- o I keep business and private interests strictly separate and, during working hours, the service interest comes first; and
- o I take an oath or pledge upon employment.



4. Compliance

This code of conduct has a stimulating role and describes how to deal with each other, with other parties, and with company resources. It has no independent disciplinary or civil service legal effect. These can be found in existing laws or regulations. It also has no external effect and third parties cannot appeal to it.

Do you suspect or know that the code of conduct is not being followed? Do not ignore this, but discuss it with the colleague in question. If addressing the colleague in question is not helpful or possible, report it (anonymously if necessary) to or communicate about it with your supervisor. Together with your supervisor, try to reach a solution with the colleague in question first. If this is not possible because your supervisor is himself/herself involved in the (alleged) violation, you can turn to another supervisor in the organization or to the Confidential Advisor. The Confidential Advisor will discuss the issue with you and suggest a course of action.

5. Management

It is important that the code of conduct remains current. Rules in the Code of Conduct may lose their validity over time and other rules may become relevant that need to be translated into the Code of Conduct. That is why the code of conduct will be evaluated three (3) years after its implementation date. If necessary, it is possible to deviate from this time frame and evaluate the Code of Conduct earlier.

6. Implementation

This Code of Conduct shall be implemented indefinitely as of 1 May 2023 and all previous Codes of Conduct shall be defunct.