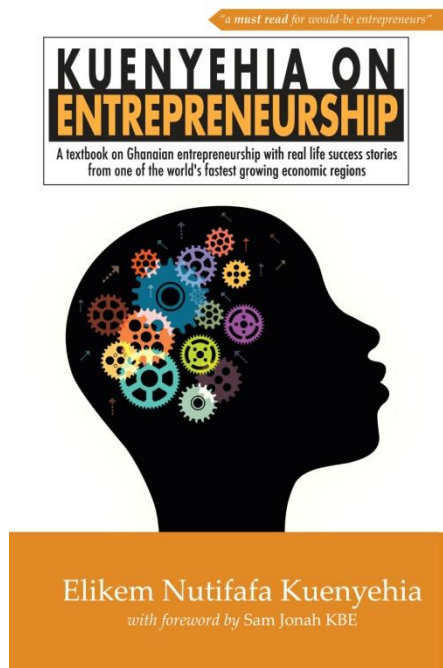


# Anti-bribery and Corruption

Written by Elikem Nutifafa Kuenyehia

Author of 'Kuenyehia on Entrepreneurship'



Bribery and corruption are criminal offences in Ghana. Where a person directly or indirectly agrees to give or receive valuable consideration (or a payment in cash or kind) in order to influence or be influenced to do work which the receiver is obliged to do anyway, those people are engaged in corruption. Where a person secretly agrees or offers to give valuable consideration (or a payment in cash or kind) those people have engaged in bribery. For the offence of bribery and corruption, both the giver and the receiver are liable if found to have committed the offence.

A company may say that if its employees are engaged in criminal offences, it has nothing to do with them so may not see the point of having a policy on bribery and corruption. Apart from the fact that bribery and corruption eat at the fabric of society and must be stopped, there is a principle in law called vicarious liability where an employer may be held liable for the wrongful acts of its employees committed in the course of employment. In other words, when an employee commits a wrongdoing during the performance of his official duty, the employer or business entity may, in some cases, be also held liable for the wrongdoing of the employee. In this particular instance, if an employee bribes a person or collects a bribe from a person in the course of their employment, the business entity may also be prosecuted for the action. As such there is an obligation on the business entity to ensure that its employees do business with integrity. One way of ensuring this is to put in place policies and processes to prevent bribery and corruption.

An anti-bribery and corruption policy may include:

- *A Statement of Intent*

It is important that the policy clearly state its purpose so as to achieve what it is intended to achieve. For instance, a statement of intent could be the position that the company takes when it comes to bribery and corruption and how it intends to conduct its business.

- *Clear concise information on what the policy has been prepared to provide*

The policy must clearly state what kinds of consideration given or received in the course of employment are acceptable and those that are not. For instance, a company may have a rule that any person who receives money or gift which is more than GHS10.00 should declare the receipt to his supervisor.

- *A section that provides information concerning all the relevant parties*

The policy must spell out exactly what each party, including employees, clients, and suppliers must do in order to uphold the policy and run a clean business transaction.

- *All activities that would be considered acts of bribery and corruption*

All acts that are considered to be acts of bribery and corruption according to the laws of the land must be clearly stated in the policy so as to serve as a notice to employees and clients.

- *Sanctions for engaging in bribery and corruption.*

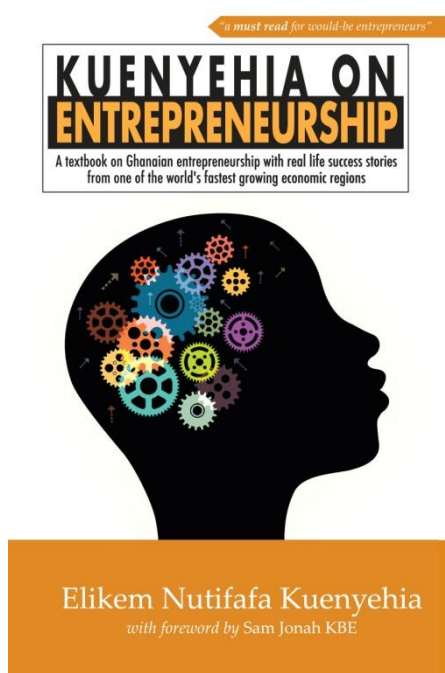
Sanctions for engaging in bribery and corruption must be included in the policy. It is important for employees and clients to know the liabilities involved in engaging in such practices in accordance with the law.

### **Importance of Anti-Bribery and Corruption Policy**

- It protects the entity against lawsuits.
- It protects the reputation of the entity which may make it more attractive to investors to work with.
- It defines the actions expected of both employer and employee in terms of integrity.

Thank you for reading!

Please find more information on how to grow and strengthen your business in Ghana via [Elikem Kuenyehia's book on Entrepreneurship](#).



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